



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-4, खण्ड (ख)

(परिनियत आदेश)

लखनऊ, बुधवार, 3 मार्च, 2021

फाल्गुन 12, 1942 शक सम्वत्

उत्तर प्रदेश शासन

श्रम अनुभाग-3

संख्या 1560/36-3-2020-104(सा0)-2020

लखनऊ, 3 मार्च, 2021

अधिसूचना

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उत्तर प्रदेश साधारण खण्ड अधिनियम, 1904 (अधिनियम संख्या 1 सन् 1904) की धारा 24 के साथ पठित सामाजिक सुरक्षा संहिता, 2020 (अधिनियम संख्या 36 सन् 2020) की धारा 154 की उपधारा (1) और धारा 156 के अधीन शक्तियों का प्रयोग करके, और, यथास्थिति, कर्मचारी प्रतिकर अधिनियम, 1923 (अधिनियम संख्या 8 सन् 1923), प्रसूति प्रसूविधा अधिनियम, 1961 (अधिनियम संख्या 53 सन् 1961), उपदान संदाय अधिनियम, 1972 (अधिनियम संख्या 39 सन् 1972), भवन और अन्य सन्निर्माण कर्मकार (नियोजन तथा सेवा शर्त विनियमन) अधिनियम, 1996 (अधिनियम संख्या 27 सन् 1996) तथा असंगठित कर्मकार सामाजिक सुरक्षा अधिनियम, 2008 (अधिनियम संख्या 33 सन् 2008) द्वारा प्रदत्त शक्तियों का प्रयोग करके राज्यपाल द्वारा बनायी गयी, -

(एक) उत्तर प्रदेश कर्मकार प्रतिकर नियमावली, 1975;

(दो) उत्तर प्रदेश कर्मकार प्रतिकर (व्यवसायिक रोग) नियमावली, 1964;

(तीन) उत्तर प्रदेश प्रसूति प्रसूविधा नियमावली, 1983;

(चार) उत्तर प्रदेश उपदान संदाय नियमावली, 1975;

(पाँच) उत्तर प्रदेश भवन और अन्य सन्निर्माण कर्मकार (नियोजन तथा सेवा-शर्त विनियमन) नियमावली, 2009; तथा

(छः) उत्तर प्रदेश असंगठित कर्मकार सामाजिक सुरक्षा नियमावली, 2016;

का अधिक्रमण करके राज्यपाल, जिस नियमावली को बनाने का प्रस्ताव करती हैं उसका निम्नलिखित प्रारूप सामाजिक सुरक्षा संहिता, 2020 की धारा 154 की उपधारा (1) और धारा 156 की उपधारा (1) की अपेक्षानुसार समस्त सम्बन्धित की सूचना के लिये और तत्सम्बन्ध में आपत्तियाँ और सुझाव आमंत्रित किये जाने की दृष्टि से एतद्वारा प्रकाशित किया जाता है;

उक्त नियमावली से सम्बन्धित समस्त आपत्तियाँ और सुझाव अपर मुख्य सचिव, श्रम अनुभाग-3, उत्तर प्रदेश शासन, बापू भवन, लखनऊ 226001/श्रम आयुक्त कार्यालय, जी0टी0रोड, कानपुर को सम्बोधित करके दो प्रतियों में प्रेषित किये जाने चाहिये। केवल उन्हीं आपत्तियों और सुझावों पर विचार किया जायेगा, जो इस अधिसूचना के प्रकाशित किये जाने के दिनोंक से पैंतालीस दिन के भीतर प्राप्त होंगे।

प्रारूप नियमावली

उत्तर प्रदेश सामाजिक सुरक्षा संहिता नियमावली, 2021

अध्याय—एक

प्रारम्भिक

संक्षिप्त नाम,
विस्तार और प्रारम्भ

1—(1) यह नियमावली उत्तर प्रदेश सामाजिक सुरक्षा नियमावली, 2021 कही जायेगी।

(2) इसका विस्तार सम्पूर्ण उत्तर प्रदेश में होगा।

(3) यह सरकारी गजट में प्रकाशित किये जाने के दिनोंक से प्रवृत्त होगी।

परिभाषायें

2—(1) जब तक सन्दर्भ से अन्यथा अपेक्षित न हो, इस नियमावली में, —

(क) “संहिता” का तात्पर्य सामाजिक सुरक्षा संहिता, 2020 (अधिनियम संख्या 36 सन् 2020) से है;

(ख) “धारा” का तात्पर्य संहिता की धारा से है;

(2) इस नियमावली में प्रयुक्त और अपरिभाषित किन्तु संहिता में परिभाषित शब्दों और पदों के उनके अपने- अपने अर्थ होंगे जैसा कि संहिता में उनके लिये समनुदेशित हैं।

अध्याय—दो

सामाजिक सुरक्षा संगठन

भाग—एक

उत्तर प्रदेश असंगठित कर्मकार सामाजिक सुरक्षा बोर्ड

धारा 6 की
उपधारा (12) के
अधीन उत्तर प्रदेश
असंगठित कर्मकार
बोर्ड के सदस्यों के
नामनिर्देशन की
रीति

3—संहिता की धारा 6 के अधीन बोर्ड के सदस्यों के नामनिर्देशन की रीति निम्नवत् होगी :—

(1) असंगठित कर्मकारों का प्रतिनिधित्व करने वाले सात सदस्य व्यवसाय संघों के अनुमोदित परिसंघों या असंगठित कर्मकारों के किसी मान्यता प्राप्त अम्बेला व्यवसाय संघ द्वारा प्रदत्त 14 सदस्यीय पैनल से नामनिर्दिष्ट किये जायेंगे।

(2) निम्नलिखित सात सदस्य, जो असंगठित कर्मकारों के नियोजकों का प्रतिनिधित्व करेंगे:—

(एक) चार औद्योगिक संघों से नामनिर्दिष्ट किये जायेंगे;

(दो) दो राज्य स्तरीय व्यापार संगठनों से होंगे; और

(तीन) एक रजिस्ट्रीकृत संविदाकारों से होगा;

(3) दो राज्य विधान सभा के निर्वाचित सदस्य होंगे।

(4) निम्नलिखित पांच सदस्य ऐसे प्रख्यात व्यक्ति होंगे जो सिविल सोसाइटी का प्रतिनिधित्व करेंगे :—

(एक) एक विधि के क्षेत्र से होगा;

(दो) एक व्यक्ति ऐसा प्रख्यात अर्थशास्त्री/समाज शास्त्री होगा जिसका असंगठित कर्मकारों के क्षेत्र में कार्य करने का परिसिद्ध कीर्तिमान हो;

(तीन) गैर सरकारी संगठनों के दो ऐसे व्यक्ति, जिनका असंगठित कर्मकारों के क्षेत्र में कार्य करने का परिसिद्ध कीर्तिमान हो जिनमें से कम से कम एक व्यक्ति, घरेलू असंगठित कर्मकारों के क्षेत्र से होना चाहिए, और

(चार) एक व्यक्ति वित्त के क्षेत्र से हो जिसका उसमें कम से कम पाँच वर्ष का अनुभव हो:

परन्तु यह कि अनुसूचित जातियों, अनुसूचित जनजातियों के व्यक्तियों, अल्पसंख्यकों और महिलाओं को पर्याप्त प्रतिनिधित्व प्रदान किया जायेगा।

(5) निम्नलिखित दस सदस्य ऐसे होंगे जो राज्य सरकार के सम्बन्धित विभागों का प्रतिनिधित्व करते हों :-

(एक) अपर मुख्य सचिव/प्रमुख सचिव/सचिव, समाज कल्याण या उसका नामनिर्देशिती (जो संयुक्त सचिव की श्रेणी से नीचे का न हो),

(दो) अपर मुख्य सचिव/प्रमुख सचिव/सचिव, चिकित्सा एवं स्वास्थ्य या उसका नामनिर्देशिती (जो संयुक्त सचिव की श्रेणी से नीचे का न हो),

(तीन) अपर मुख्य सचिव/प्रमुख सचिव/सचिव, नगर विकास या उसका नामनिर्देशिती (जो संयुक्त सचिव की श्रेणी से नीचे का न हो),

(चार) अपर मुख्य सचिव/प्रमुख सचिव/सचिव, आवास या उसका नामनिर्देशिती (जो संयुक्त सचिव की श्रेणी से नीचे का न हो),

(पाँच) अपर मुख्य सचिव/प्रमुख सचिव/सचिव, पंचायती राज या उसका नामनिर्देशिती (जो संयुक्त सचिव की श्रेणी से नीचे का न हो),

(छः) अपर मुख्य सचिव/प्रमुख सचिव/सचिव, वित्त या उसका नामनिर्देशिती (जो संयुक्त सचिव की श्रेणी से नीचे का न हो),

(सात) अपर मुख्य सचिव/प्रमुख सचिव/सचिव, बेसिक (प्राथमिक) शिक्षा या उसका नामनिर्देशिती (जो संयुक्त सचिव की श्रेणी से नीचे का न हो),

(आठ) अपर मुख्य सचिव/प्रमुख सचिव/सचिव, व्यावसायिक शिक्षा एवं प्रशिक्षण या उसका नामनिर्देशिती (जो संयुक्त सचिव की श्रेणी से नीचे का न हो),

(नौ) अपर मुख्य सचिव/प्रमुख सचिव/सचिव, ग्राम्य विकास या उसका नामनिर्देशिती (जो संयुक्त सचिव की श्रेणी से नीचे का न हो), और

(दस) श्रमायुक्त, उत्तर प्रदेश-सदस्य सचिव।

4-(1) बोर्ड की अवधि, अपने गठन के दिनांक से तीन वर्ष होगी, किन्तु वह तब तक पदावधि बना रहेगा जब तक उसका पुनर्गठन नहीं हो जाता है और उसका विनिश्चय इस आधार पर अविधिमान्य नहीं समझा जायेगा कि बोर्ड की अवधि समाप्त हो चुकी है।

(2) बोर्ड के सदस्यों की पदावधि, बोर्ड की अवधि के साथ विद्यमान रहेगी।

(3) संहिता की धारा 6 की उपधारा (10) के खण्ड (घ) के उपखण्ड (तीन) के अधीन नामनिर्दिष्ट सदस्य, बोर्ड का सदस्य होने से प्रविरत हो जायेंगे, जब वे राज्य विधान सभा का निर्वाचित सदस्य होने से प्रविरत हो जायेंगे।

(4) बोर्ड के गैर सरकारी सदस्य उत्तर प्रदेश सरकार के प्रसादपर्यन्त पदधारण करेंगे।

(5) संहिता की धारा 6 की उपधारा (10) के खण्ड (घ) के उपखण्ड (एक), (दो) और (चार) के अधीन नामनिर्दिष्ट सदस्य बोर्ड से हटा दिये जायेंगे यदि वे उस हित का प्रतिनिधित्व करने से प्रविरत हो जाते हैं, जिसके लिये उन्हें नामनिर्दिष्ट किया गया था।

(6) समस्त नामनिर्दिष्ट सदस्य दो से अधिक पदावधि के लिये पुनः नामनिर्देशन हेतु पात्र नहीं होंगे।

5-कोई गैर सरकारी सदस्य उत्तर प्रदेश सरकार को सम्बोधित पत्र के माध्यम से त्यागपत्र दे सकता है। ऐसे सदस्य का पद उसका त्यागपत्र स्वीकृत किये जाने के दिनांक से, अथवा त्यागपत्र की सूचना प्राप्त किये जाने के दिनांक से तीस दिन की समाप्ति पर, जो भी पहले हो, रिक्त हो जायेगा। त्यागपत्र

6-यदि नामनिर्दिष्ट सदस्यों के पते में किसी प्रकार का परिवर्तन होता है तो इसकी सूचना पन्द्रह दिनों के भीतर बोर्ड के सदस्य सचिव को लिखित रूप में दी जायेगी जो तदनुसार अभिलेख तैयार करेगा। पता में परिवर्तन

रिक्तियों का भरा जाना	7—जब बोर्ड की सदस्यता में किसी कारणवश कोई रिक्ति होती है या होने की सम्भावना होती है तब सदस्य सचिव, राज्य सरकार को एक रिपोर्ट प्रस्तुत करेगा जो व्यक्तियों की ऐसी श्रेणी, जिससे सदस्यता रिक्त करने वाला व्यक्ति सम्बन्धित हो, के मध्य से रिक्ति को भरने के लिये कदम उठायेगी और इस प्रकार नामनिर्दिष्ट व्यक्ति ऐसे सदस्य, जिसके स्थान पर वह नियुक्त किया गया हो, की शेष पदावधि तक के लिये पद धारण करेगा।
बोर्ड की बैठकें	8—(1) बोर्ड ऐसे स्थानों पर तथा ऐसे समयों पर बैठक करेगा, जैसा की अध्यक्ष द्वारा विनिश्चित किया जाय। (2) बोर्ड तीन माह में कम से कम एक बार बैठक करेगा। (3) किसी मामले की अत्यावश्यकता की स्थिति में विचार—विमर्श की विषयवस्तु तथा अत्यावश्यकता के कारणों के सम्बन्ध में सदस्यों को अग्रिम में सूचना देने के पश्चात् अध्यक्ष द्वारा विशेष बैठकें आहूत की जा सकती हैं। (4) किसी मामले की अत्यावश्यकता की स्थिति में बैठक परिचालन द्वारा या अन्य माध्यम से आयोजित की जा सकती है। (5) अध्यक्ष, बोर्ड की ऐसी प्रत्येक बैठक की अध्यक्षता करेगा जिसमें वह उपस्थित हो तथा उसकी अनुपस्थिति में बोर्ड की बैठक की अध्यक्षता उपाध्यक्ष द्वारा की जायेगी।
बैठक की नोटिस तथा कार्यसूची	9—(1) सामान्यतया, बोर्ड के सदस्यों को किसी प्रस्तावित बैठक के सम्बन्ध में पन्द्रह दिन की नोटिस दी जायेगी: परन्तु यह कि यदि अध्यक्ष का यह समाधान हो जाता है कि ऐसा करना समीचीन है तो वह अल्पतर अवधि की नोटिस दे सकता है। (2) बोर्ड की बैठक की कार्यसूची में सम्मिलित कार्य के सिवाय किसी अन्य कार्य पर अध्यक्ष की अनुज्ञा के बिना विचार नहीं किया जायेगा।
कार्य का निस्तारण	10—(1) बोर्ड की बैठक में ऐसे प्रत्येक मामले पर विचार किया जायेगा जिस पर बोर्ड विचार करने की अपेक्षा करे अथवा यदि प्रत्येक सदस्य को राय के लिये आवश्यक पत्रजात प्रेषित करके अध्यक्ष ऐसा निदेश देता है तो मामले का निस्तारण बहुमत के विनिश्चय के अनुसार किया जायेगा: परन्तु यह कि जहाँ किसी मामले पर बहुमत की कोई राय न हो तथा बोर्ड के सदस्य समान रूप से विभाजित हों तो अध्यक्ष का मत द्वितीय या निर्णायक मत होगा। (2) बोर्ड की बैठक में किया गया प्रत्येक विनिश्चय लिखित रूप में अभिलिखित किया जायेगा।
सदस्यों के भत्ते	11—बोर्ड के गैर सरकारी सदस्यों को बोर्ड की बैठकों में उपस्थित होने के लिये यात्रा—भत्ता तथा दैनिक भत्ता उस दर पर संदत्त किया जायेगा जैसा कि राज्य सरकार के समूह 'क' के अधिकारियों के लिये निम्नतम दर पर अनुज्ञेय हो।
गणपूर्ति	12—बोर्ड की किसी बैठक में कोई कार्य तब तक संव्यवहृत नहीं किया जायेगा जब तक कि उस बैठक में कम से कम दस सदस्य उपस्थित न हों: परन्तु यह कि यदि किसी बैठक में दस से कम सदस्य उपस्थित हों तो अध्यक्ष, उपस्थित सदस्यों को गणपूर्ति के साथ या गणपूर्ति के बिना स्थगित बैठक के कार्य का निस्तारण किये जाने के प्रस्ताव के सम्बन्ध में सूचित करते हुए और अन्य सदस्यों को तत्सम्बन्ध में नोटिस देते हुए बैठक को अन्य दिनों के लिये स्थगित कर सकता है और तदोपरान्त उसके लिये उपस्थित सदस्यों की संख्या पर ध्यान दिये बिना स्थगित बैठक का कार्य निस्तारण करना विधि सम्मत होगा। (2) अध्यक्ष, पदेन सदस्यों से भिन्न किसी सदस्य को बोर्ड की बैठक में प्रतिभाग करने से विवर्जित कर सकता है, यदि— (क) वह अध्यक्ष को लिखित सूचना तथा सहमति प्रदान किये बिना बोर्ड की लगातार तीन बैठकों में स्वयं अनुपस्थित रहता है; या (ख) अध्यक्ष की दृष्टि में, ऐसा सदस्य ऐसे हित का प्रतिनिधित्व करने से प्रविरत हो गया हो जिसके लिये वह बोर्ड का प्रतिनिधित्व करने हेतु तात्पर्यित हो।

13—(1) राज्य सरकार बोर्ड की अवधि के अवसान होने के छः माह पूर्व बोर्ड का पुनर्गठन करने की प्रक्रिया प्रारम्भ करेगी। बोर्ड का पुनर्गठन

(2) यदि बोर्ड की अवधि के पूर्ण होने के पश्चात या किसी अन्य कारण से नये बोर्ड का पुनर्गठन नहीं किया जाता है तो इस निमित्त किसी अधिसूचना के माध्यम से नये बोर्ड का पुनर्गठन किये जाने की अवधि तक के लिये बोर्ड का प्रशासन राज्य सरकार द्वारा ले लिया जायेगा।

(3) उपनियम (2) के अधीन राज्य सरकार द्वारा किये गये विनिश्चय का वही प्रभाव होगा मानों यह स्वयं बोर्ड द्वारा किया गया हो।

14—बोर्ड का मुख्यालय ऐसे स्थान पर होगा जैसा कि राज्य सरकार द्वारा अधिसूचित किया जाय। बोर्ड का मुख्यालय

15—धारा 141 की उपधारा (5) के खण्ड (एक) में उल्लिखित निधि के स्रोत के अतिरिक्त, निम्नलिखित स्रोतों से प्राप्त धनराशि निधि में जमा की जायेगी जिसे उत्तर प्रदेश सामाजिक सुरक्षा निधि कहा जायेगा:—

धारा 141 की उपधारा (5) के खण्ड (दो) के अधीन निधि का गठन

(एक) राज्य सरकार द्वारा निधि की स्थापना हेतु प्रदत्त एकमुश्त धनराशि;

(दो) भारत सरकार, राज्य सरकार तथा अन्य प्राधिकरणों तथा सांविधिक निकायों द्वारा प्रदत्त अनुदान धनराशि;

(तीन) लाभग्राहियों के रजिस्ट्री/नवीकरण तथा उनके अभिदाय से प्राप्त धनराशि;

(चार) भारत सरकार द्वारा अधिसूचित योजना के क्रियान्वयन हेतु प्राप्त धनराशि;

(पाँच) राज्य सरकार द्वारा अधिसूचित योजना के क्रियान्वयन हेतु प्राप्त धनराशि; तथा

(छः) नियोजकों, उनके संघों या राज्य सरकार द्वारा सामान्य या विशेष आदेश के माध्यम से यथा अवधारित निगमित सामाजिक उत्तरदायित्व निधि से अभिदान या दान या कोई अन्य वित्तीय सहायता।

16—(1) धारा 141 की उपधारा (5) के खण्ड (एक) और (दो) के अधीन प्राप्त सम्पूर्ण निधि किसी अनुसूचित बैंक में पृथक खाते में रखी जायेगी।

उत्तर प्रदेश सामाजिक सुरक्षा निधि का प्रशासन

(2) निधि, बोर्ड द्वारा प्रशासित तथा संव्यवहृत की जायेगी।

(3) निधि के बैंक खाते का परिचालन ऐसी रीति से किया जायेगा जैसा कि सरकार द्वारा सामान्य या विशेष आदेश से अवधारित किया जाय।

(4) सामाजिक सुरक्षा बोर्ड की निधि का उपयोग/व्यय राज्य सरकार तथा केन्द्र सरकार के असंगठित क्षेत्र के कर्मकारों की कल्याणकारी योजनाओं के क्रियान्वयन के लिये तथा बोर्ड के प्रशासनिक व्ययों को पूरा करने के लिये किया जायेगा। बोर्ड के प्रशासनिक व्यय कुल योजनागत व्ययों के दस प्रतिशत से अधिक नहीं होंगे।

(5) निधि के लेखाओं की लेखा-परीक्षा, राज्य सरकार द्वारा समय-समय पर जारी अनुदेशों के अनुसार की जायेगी।

भाग—दो

उत्तर प्रदेश भवन तथा अन्य सन्निर्माण कर्मकार कल्याण बोर्ड

17—(1) राज्य सरकार, अध्यक्ष और पन्द्रह अन्य सदस्यों को उत्तर प्रदेश भवन तथा अन्य सन्निर्माण कर्मकार कल्याण बोर्ड में नामनिर्दिष्ट करेगी जिनमें से पाँच प्रतिनिधि राज्य सरकार के विभागों के, पाँच प्रतिनिधि भवन कर्मकार के और पाँच प्रतिनिधि भवन कर्मकार नियोजकों के होंगे। बोर्ड में कम से कम एक महिला सदस्य होगी।

बोर्ड का गठन

(2) राज्य सरकार के विभागों के प्रतिनिधि, आवास विभाग, वित्त विभाग, लोक निर्माण विभाग, समाज कल्याण विभाग तथा बेसिक शिक्षा विभाग के विशेष सचिव रैंक से नीचे के अधिकारी नहीं होंगे।

18—(1) बोर्ड की अवधि, उसका गठन किये जाने के दिनांक से तीन वर्ष की होगी, किन्तु यह पुनर्गठन किये जाने तक जारी रहेगी तथा इसका विनिश्चय, इस आधार पर अविधिमान्य नहीं समझा जायेगा कि बोर्ड की अवधि का अवसान हो गया है।

अवधि

	(2) बोर्ड के सदस्यों का कार्यकाल बोर्ड की अवधि के साथ विद्यमान रहेगा।
	(3) बोर्ड के गैर सरकारी सदस्य राज्य सरकार के प्रसादपर्यन्त पद धारण करेंगे।
	(4) धारा 6 की उपधारा (10) के खण्ड (घ) के उपखण्ड (एक), (दो), (तीन) तथा (चार) के अधीन नामनिर्देशित सदस्य बोर्ड से हटाये जा सकते हैं यदि वे उन हितों का प्रतिनिधित्व न कर रहे हों जिनके लिये वे नामनिर्देशित हों।
	(5) सभी नामनिर्देशित सदस्य पुनर्नामनिर्देशन के लिये अर्ह होंगे।
रिक्तियों को भरे जाने की रीति	19—जब बोर्ड की सदस्यता में किसी कारण से कोई रिक्ति हो अथवा उसका होना संभाव्य हो तो सदस्य सचिव, राज्य सरकार को एक रिपोर्ट प्रस्तुत करेगा जो उन व्यक्तियों की श्रेणी, जिससे सदस्यता रिक्त करने वाला व्यक्ति सम्बन्धित हो, में से रिक्ति भरने के लिये कदम उठायेगी और इस प्रकार नामनिर्दिष्ट व्यक्ति उस सदस्य के शेष कार्यकाल तक पद धारण करेगा जिसके स्थान पर उसकी नियुक्ति की गयी है।
अध्यक्ष और गैर सरकारी सदस्यों के वेतन और भत्ते	20—(1) गैर सरकारी सदस्य, राज्य सरकार के निम्नतम श्रेणी के समूह “क” के अधिकारियों के लिये अनुमन्य दर पर यात्रा भत्ता और दैनिक भत्ता के लिये हकदार होगा। (2) बोर्ड के अध्यक्ष के लिये वेतन और भत्ते, राज्य सरकार द्वारा सामान्य या विशेष आदेश से निर्धारित किये जायेंगे।
बोर्ड के सचिव एवं अन्य अधिकारियों तथा कर्मचारिवर्ग की नियुक्ति की शर्तें तथा वेतन एवं भत्ते	21—(1) बोर्ड, राज्य सरकार के पूर्वानुमोदन से उप श्रमायुक्त की श्रेणी से अन्यून किसी व्यक्ति को बोर्ड का सचिव नियुक्त करेगा। (2) बोर्ड, राज्य सरकार के पूर्वानुमोदन से बोर्ड के कृत्यों का निस्तारण करने हेतु अन्य कर्मचारिवर्ग की नियुक्ति करेगा। (3) बोर्ड का सचिव, अन्य अधिकारी तथा कर्मचारी उसी रीति से नियुक्त किये जायेंगे, जैसा कि राज्य सरकार द्वारा सामान्य अथवा विशेष आदेश द्वारा अवधारित किया जाय और उन्हें राज्य सरकार द्वारा नियत भत्तों का भुगतान किया जायेगा।
धारा 7 की उपधारा (6) के अधीन सामाजिक सुरक्षा योजनायें तथा कल्याणकारी उपाय	22—(1) बोर्ड, राज्य सरकार के पूर्वानुमोदन से धारा 7 की उपधारा (6) के खण्ड (क) से खण्ड (झ) तक में विहित सामाजिक सुरक्षा योजना एवं कल्याणकारी उपायों को अधिसूचित करेगी। (2) बोर्ड, ऐसी सामाजिक सुरक्षा योजनाओं और कल्याणकारी उपायों का सूत्रपात करेगा जिनमें पात्रता सीमा, विभिन्न प्रसुविधा दर, आवेदन पत्र तथा प्रक्रिया और प्रसुविधा स्वीकृत करने हेतु सक्षम प्राधिकारी और अन्य आनुषंगिक मामलों का भी अवधारण बोर्ड द्वारा किया जायेगा और तत्पश्चात् अनुमोदन हेतु उसे राज्य सरकार को अग्रसारित करेगा।

अध्याय—तीन

कर्मचारी बीमा न्यायालय

कर्मचारी बीमा न्यायालय की संरचना और बैठक स्थल	23—(1) किसी कर्मचारी बीमा न्यायालय में सामान्यतः एक न्यायाधीश होगा : परन्तु यह कि राज्य सरकार कर्मचारी राज्य बीमा निगम के परामर्श के पश्चात् शासकीय गजट में अधिसूचना द्वारा किसी विशेष कार्यवाही अथवा कार्यवाही खण्ड के लिये और अधिसूचना में यथा विनिर्दिष्ट अवधि के लिये किसी न्यायालय हेतु दो या उससे अधिक न्यायाधीश नियुक्त कर सकती है। (2) उक्त न्यायालय ऐसे स्थान अथवा स्थानों पर तथा ऐसे समय पर बैठक करेगा जैसा कि राज्य सरकार, समय-समय पर कर्मचारी राज्य बीमा निगम से परामर्श के पश्चात् विनिर्दिष्ट करे। (3) कर्मचारी बीमा न्यायालय, उच्च न्यायालय के प्रशासनिक नियंत्रण और अधीक्षण के अधधीन होगा और उसके पास ऐसे रजिस्टर, पुस्तिकायें, लेखा तथा दस्तावेज होंगे जैसा कि उच्च न्यायालय समय-समय पर विहित करे।
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24—(1) धारा 49 के अधीन कोई आवेदन, प्रपत्र—एक में तीन प्रतियों में प्रस्तुत किया जायेगा और उसमें निम्नलिखित विशिष्टियाँ अन्तर्विष्ट होंगी :—

कर्मचारी बीमा
न्यायालय में
आवेदन दाखिल
करने की प्रक्रिया

(क) न्यायालय का नाम, जिसमें आवेदन दिया गया हो;

(ख) पूरा नाम और विवरण जिसमें आवेदक और विरोधी पक्षकार की आयु, व्यवसाय तथा पूर्ण डाक पता सम्मिलित होंगे;

(ग) जहाँ आवेदक या विरोधी पक्षकार अल्पवयस्क हो अथवा विकृत चित्त का व्यक्ति हो वहाँ उस आशय का विवरण और उसके संरक्षक, निकट सम्बन्धी या उसकी ओर से कार्य करने के लिये प्राधिकृत किसी अन्य व्यक्ति का पूरा नाम, आयु, व्यवसाय और पूर्ण डाक पता;

(घ) वाद हेतुक सृजित करने वाला तथ्य और दिनांक, जब वह उत्पन्न हुआ हो;

(ङ.) न्यायालय के पास अधिकारिता होने को दर्शाने वाले तथ्य;

(च) राहत, जिसका आवेदक दावा करे।

(2) प्रत्येक आवेदन उसी रीति से सत्यापित किया जायेगा जैसा कि किसी सिविल न्यायालय में किसी अभिवचन का किया जाता है।

(3) ऐसे समस्त दस्तावेज, जिन पर आवेदन आधारित हो, उनकी सही-सही सूची सहित आवेदन के साथ संलग्न किये जायेंगे।

(4) समस्त आवेदन, न्यायालय द्वारा अनुरक्षित किये जाने वाले प्रपत्र—दो में यथा विहित रीति से किसी रजिस्टर में प्रविष्ट किये जायेंगे।

25—(1) न्यायालय में प्रत्येक आवेदन उस दिनांक, यथास्थिति, जिस दिनांक को वाद हेतुक उत्पन्न हुआ या जब दावा देय हुआ, के बारह माह के भीतर प्रस्तुत किया जायेगा:

कर्मचारी बीमा
न्यायालय की
कार्यवाही

परन्तु यह कि न्यायालय उक्त छः माह की अवधि के पश्चात् किया गया आवेदन ग्रहण कर सकता है, यदि उसका यह समाधान हो जाय कि आवेदक के पास उक्त अवधि के भीतर आवेदन न करने का पर्याप्त कारण हो।

(2) जहाँ किसी प्रक्रम में न्यायालय को यह प्रतीत हो कि आवेदन अन्य न्यायालय में प्रस्तुत किया जाना चाहिए अथवा उसे अन्य न्यायालय द्वारा ग्रहण किया जाना चाहिए वहाँ प्रथम उल्लिखित न्यायालय उसे व्यवहृत करने के लिये सशक्त न्यायालय को आवेदन प्रेषित करेगा या वाद उसमें दाखिल करेगा और तदनुसार आवेदक तथा विरोधी पक्षकार को सूचित करेगा और न्यायालय जिसमें दाखिल करने हेतु आवेदन अंतरित किया गया हो, कार्यवाहियाँ जारी रखेगा मानों पूर्ववर्ती कार्यवाहियाँ या उसकी आंशिक कार्यवाहियाँ उसके समक्ष प्रस्तुत की गयी हों।

(3) न्यायालय, पक्षकारों को समन किये जाने, समन तामील किये जाने, सुनवाई की प्रक्रिया, विवादक विरचित किये जाने, बयान तथा साक्ष्य प्रस्तुत किये जाने, साक्ष्य अभिलिखित किये जाने की पद्धति, साक्षी की प्रतिपरीक्षा किये जाने तथा अन्य सम्बन्धित मामलों में सिविल प्रक्रिया संहिता, 1908 (अधिनियम संख्या 5 सन् 1908) के नियमों का अनुसरण करेगा।

26—(1) संहिता की धारा 49 में निर्दिष्ट किसी मामले में आवेदन किये जाने पर संदेय फीस सौ रूपये होगी।

फीस और लागत

(2) किसी अन्य मामले में संदेय फीस और लागत वही होंगे जैसा कि उच्च न्यायालय द्वारा अधीनस्थ न्यायालयों के लिये विहित किया गया हो।

(3) इस नियम में निर्दिष्ट समस्त फीस और लागतें, न्यायालय फीस स्टाम्पों के माध्यम से संग्रहीत की जायेंगी।

अध्याय—चार**उपदान**

धारा 55 की
उपधारा (1) के
अधीन नामनिर्देशन

27—(1) नामनिर्देशन प्रपत्र—तीन में विहित रीति से किया जायेगा और उसे दो प्रतियों में कर्मचारी द्वारा व्यक्तिगत रूप से या रजिस्ट्रीकृत डाक से उसके द्वारा एक वर्ष की निरन्तर सेवा पूरी किये जाने के दिनांक से एक माह के भीतर प्रस्तुत किया जायेगा:

परन्तु यह कि नियतकालिक कर्मचारी होने की स्थिति में नामनिर्देशन, उसके द्वारा कार्यभार ग्रहण किये जाने के दिनांक से एक माह के भीतर प्रस्तुत किया जायेगा:

परन्तु यह और कि उक्त नामनिर्देशन उक्त अवधि के पश्चात् नियोजक द्वारा स्वीकार किया जायेगा, यदि वह विलम्ब के युक्ति—युक्त आधारों पर अवलम्बित हो, और इस प्रकार स्वीकार किया गया कोई नामनिर्देशन मात्र इस आधार पर अविधिमन्य नहीं होगा कि यह विहित अवधि के पश्चात् दाखिल किया गया था।

(2) ऊपर यथा उल्लिखित नामनिर्देशन प्राप्त किये जाने के तीस दिन के भीतर नियोजक, नामनिर्देशन पत्र में यथा उल्लिखित कर्मचारियों की सेवा सम्बन्धी विशिष्टियों का अधिष्ठान के अभिलेख के सन्दर्भ में सत्यापन करायेगा और नियोजक या इस निमित्त प्राधिकृत किसी अधिकारी द्वारा सम्यक रूप से साक्ष्यांकित नामनिर्देशन पत्र की द्वितीय प्रति कर्मचारी को वापस करेगा और अन्य प्रति को अभिलेखार्थ रखेगा।

(3) कोई कर्मचारी, जिसके पास नामनिर्देशन करते समय परिवार न हो, परिवार होने के नब्बे दिन के भीतर धारा 55 की उपधारा (4) के अधीन यथा अपेक्षित नवीन नामनिर्देशन उपनियम (1) में विनिर्दिष्ट रीति से प्रपत्र—चार में दो प्रतियों में नियोजक को प्रस्तुत करेगा और तत्पश्चात् उप नियम (2) का उपबंध यथावश्यक परिवर्तन सहित लागू होगा मानों वह उपनियम (1) के अधीन किया गया हो।

(4) ऐसे मामलों, जहाँ कोई नामनिर्देशिनी किसी कर्मचारी का पूर्व मृत नामनिर्देशिनी हो, सहित किसी नामनिर्देशन में उपान्तरण किये जाने की नोटिस, उपनियम (1) में विनिर्दिष्ट नियोजक को प्रपत्र—पाँच में दो प्रतियों में प्रस्तुत की जायेगी और तत्पश्चात् उपनियम (2) का उपबंध यथा आवश्यक परिवर्तन सहित लागू होगा मानों यह उपनियम (1) के अधीन किया गया हो।

(5) कोई नामनिर्देशन अथवा कोई नया नामनिर्देशन अथवा नामनिर्देशन उपान्तरण की नोटिस पर कर्मचारी द्वारा हस्ताक्षर किया जायेगा, अथवा यदि कर्मचारी निरक्षर हो तो उक्त नामनिर्देशन पर उसकी अंगूठा निशानी ऐसे दो साक्षियों की उपस्थिति में अंकित की जायेगी जो यथास्थिति नामनिर्देशन, नये नामनिर्देशन या नामनिर्देशन उपान्तरण की नोटिस में उस आशय की घोषणा पर भी हस्ताक्षर करेंगे।

(6) कोई नामनिर्देशन, नया नामनिर्देशन अथवा नामनिर्देशन उपान्तरण की नोटिस नियोजक द्वारा उसे प्राप्त किये जाने के दिनांक से प्रभावी होगी।

धारा 56 के अधीन
उपदान के लिये
आवेदन

28—(1) कोई कर्मचारी अथवा उसका नामनिर्देशिनी अथवा उसके उत्तराधिकारी, जो संहिता के अधीन उपदान के संदाय के लिये पात्र हों अथवा उसकी/उनकी ओर से लिखित रूप में प्राधिकृत व्यक्ति, प्रपत्र-छ: या प्रपत्र-छ:-क या प्रपत्र छ:-ख में नियोजक को सामान्यतः उपदान के संदेय होने के दिनांक से तीस दिन के भीतर व्यक्तिगत रूप से अथवा रजिस्ट्रीकृत डाक से या इलेक्ट्रानिक रूप से या अन्यथा रूप से आवेदन करेगा/करेंगे :

परन्तु यह कि सुसंगत विशिष्टियों सहित सादे कागज पर भी आवेदन स्वीकार किया जायेगा। नियोजक ऐसी अन्य विशिष्टियाँ भी प्राप्त कर सकता है जैसा कि उसके द्वारा आवश्यक समझा जाय :

परन्तु यह और कि जहाँ किसी कर्मचारी की अधिवर्षिता या उसकी सेवानिवृत्ति का दिनांक ज्ञात हो वहाँ कर्मचारी अधिवर्षिता अथवा सेवानिवृत्ति के दिनांक से तीस दिन पूर्व नियोजक को आवेदन कर सकता है।

(2) इस नियम में विनिर्दिष्ट अवधि के अवसान के पश्चात् दाखिल किया गया उपदान संदाय हेतु आवेदन भी नियोजक द्वारा ग्रहण किया जायेगा, यदि आवेदक अपना दावा प्रस्तुत करने में विलम्ब के लिये पर्याप्त कारण देता है, और संहिता के अधीन उपदान के किसी दावा को मात्र इस कारण से अविधिमान्य नहीं होगा कि दावेदार अपना आवेदन विनिर्दिष्ट अवधि के भीतर प्रस्तुत करने में विफल हो गया है। इससे सम्बन्धित कोई विवाद सक्षम प्राधिकारी को उसके विनिश्चय के लिये निर्दिष्ट किया जायेगा।

29—(1) इस अध्याय के प्रयोजन के लिये सक्षम प्राधिकारी के रूप में नियुक्त किया जाने वाला व्यक्ति सहायक श्रमायुक्त की श्रेणी से अन्यून एक ऐसा राजपत्रित अधिकारी होगा जो राज्य सरकार द्वारा उक्त पद के लिये यथा अवधारित शैक्षिक अर्हता धारित करता हो।

सक्षम प्राधिकारी की अर्हता और उसका अनुभव

(2) इस अध्याय के प्रयोजन के लिये सक्षम प्राधिकारी के रूप में नियुक्त किये जाने वाले व्यक्ति के पास सहायक श्रमायुक्त के पद पर कम से कम एक वर्ष की सेवा का अनुभव होगा:

परन्तु यह कि ऐसे किसी व्यक्ति, जो एक वर्ष तक सुलह अधिकारी के रूप में कार्य किया हो, को सक्षम प्राधिकारी के रूप में नियुक्ति के लिये ऊपर उल्लिखित अनुभव धारित करने की आवश्यकता नहीं है।

30—(1) जहाँ धारा 56 की उपधारा (5) के खण्ड (क) में विनिर्दिष्ट मामले अथवा मामलों में कोई विवाद होता है तो नियोजक अथवा कर्मचारी अथवा विवाद उठाने वाला कोई अन्य व्यक्ति उपदान देय होने के दिनांक से एक वर्ष के भीतर प्रपत्र—सात में सक्षम प्राधिकारी को आवेदन कर सकता है:

धारा 56 की उपधारा (5) के खण्ड (ख) के अधीन सक्षम प्राधिकारी को निदेश हेतु आवेदन

परन्तु यह कि सक्षम प्राधिकारी एक वर्ष के पश्चात् भी आवेदन ग्रहण कर सकता है, यदि उसका, आवेदक द्वारा दिये गये कारणों से समाधान हो जाता हो।

(2) आवेदन के साथ आवेदक द्वारा साक्ष्य के रूप में ऐसे दस्तावेज संलग्न किये जायेंगे जो दाखिल किये जाने हेतु आवश्यक हों।

(3) उपदान दावा आवेदन, व्यक्तिगत रूप से अथवा रजिस्ट्रीकृत डाक/स्पीड पोस्ट से या राज्य सरकार द्वारा यथा नियत अन्य माध्यम से प्रस्तुत किया जा सकता है।

(4) आवेदन के साथ विरोधी पक्षकारों की संख्या के अनुपात में रजिस्ट्रीकृत डाक हेतु स्टाम्पयुक्त लिफाफे संलग्न किये जायेंगे।

(5) यदि सक्षम प्राधिकारी का दावा आवेदन के सम्बंध में प्रथम दृष्टया समाधान हो जाता है और यदि वह यह सोचता है कि आवेदन की जांच की जायेगी तो वह, दावा रजिस्ट्रीकृत करते हुये तथा जांच हेतु दिनांक और समय नियत करते हुये पक्षकारों को जांच हेतु समन कर सकता है।

(6) कोई आवेदन मात्र इस आधार पर अस्वीकृत नहीं किया जायेगा कि वह विहित प्रपत्र में नहीं है।

31—सक्षम प्राधिकारी प्राप्त आवेदन की जाँच हेतु उक्त पक्षकारों को समन करेगा और युक्तियुक्त सुनवाई का अवसर प्रदान करेगा तथा पक्षकारों को आवश्यकतानुसार दस्तावेज तथा साक्ष्य प्रस्तुत करने का अवसर प्रदान करेगा।

धारा 56 की उपधारा (5) के खण्ड (ख) के अधीन प्रत्येक आवेदन की जाँच की प्रक्रिया

अध्याय—पाँच

प्रसूति प्रसुविधा अधिनियम

32—धारा 72 की उपधारा (2) के अधीन निरीक्षक सह—सुविधादाता के आदेश से क्षुब्ध कोई व्यक्ति, राज्य सरकार के क्षेत्रीय अपर/उपश्रमायुक्त के समक्ष अपील कर सकता है।

अपीलीय प्राधिकारी

अध्याय—छः
कर्मचारी का प्रतिकर
भाग एक

अन्त्येष्टि व्ययों का
संदाय

33—यदि कर्मचारी की चोट लगने के फलस्वरूप मृत्यु हो जाती है, तो नियोजक, संहिता के अधीन सक्षम प्राधिकारी के पास प्रतिकर जमा करने के अतिरिक्त ऐसे कर्मचारी की अन्त्येष्टि के व्यय के निमित्त कर्मचारी के ज्येष्ठतम् उत्तरजीवी आश्रित को पन्द्रह हजार रुपये की धनराशि का संदाय करेगा अथवा जहाँ उक्त कर्मचारी के कोई आश्रित न हों अथवा उसकी मृत्यु के समय उसके साथ कोई आश्रित न रह रहा हो वहाँ ऐसी स्थिति में अन्त्येष्टि व्ययों के निमित्त उक्त संदाय ऐसे व्यक्ति को किया जायेगा जिसने वस्तुतः ऐसा व्यय उपगत किया हो:

परन्तु यह कि यदि केन्द्र सरकार अधिसूचना द्वारा धारा 76 की उपधारा (7) में विनिर्दिष्ट धनराशि में वृद्धि करती है तो इस नियम के अधीन जमा की जाने वाली धनराशि स्वतः बढ़ जायेगी।

धारा 79 की
उपधारा (1) के
अधीन चिकित्सा
प्रमाण-पत्र के
बिना अर्द्धमासिक
संदायों की समीक्षा
हेतु आवेदन

34—धारा 79 की उपधारा (1) के अधीन अर्द्धमासिक संदाय की समीक्षा हेतु आवेदन, चिकित्सा प्रमाण-पत्र संलग्न किये बिना निम्नलिखित द्वारा किया जा सकता है:-

(क) नियोजक द्वारा, इस आधार पर कि जब से प्रतिकर का अधिकार अवधारित किया गया है, तब से कर्मचारी की मजदूरी बढ़ गयी है;

(ख) नियोजक द्वारा इस आधार पर कि जब से प्रतिकर का अधिकार अवधारित किया गया है तब से उसकी मजदूरी घट गयी है;

(ग) कर्मचारी द्वारा इस आधार पर कि नियोजक ने प्रतिकर का संदाय करना प्रारंभ करके उसका संदाय करने से प्रविरत हो गया है इस बात के होते हुए भी कि कर्मचारी की दशा में ऐसा कोई परिवर्तन नहीं हुआ है जिसमें कि ऐसी प्रविरति की वारण्टी हो सके;

(घ) नियोजक या कर्मचारी द्वारा, इस आधार पर कि तत्समय प्रवृत्त प्रतिकर की दर का अवधारण कपटपूर्वक अथवा असम्यक प्रभाव से या अन्य अनुचित साधनों से किया गया था; अथवा

(ङ) नियोजक या कर्मचारी द्वारा इस आधार पर कि प्रतिकर का अवधारण किये जाने में कोई ऐसी चूक या त्रुटि हुई है जो अभिलेखावलोकन से प्रकट होती है।

नोटिस पुस्तिका

35—प्रत्येक नियोजक, जिस पर संहिता लागू हो, धारा 82 की उपधारा (4) के अनुसार प्रपत्र-आठ में एक नोटिस पुस्तिका अनुरक्षित करेगा।

चिकित्सीय परीक्षणों
की संख्या पर
निर्बंधन

36—ऐसे किसी कर्मचारी, जो अर्द्धमासिक संदाय प्राप्त करता हो, से दुर्घटना के पश्चात् प्रथम माह में दो बार से अधिक अथवा किसी अनुवर्ती माह में एक बार से अधिक उसके वर्तमान निवास से भिन्न स्थान पर चिकित्सीय परीक्षण के लिये स्वयं प्रस्तुत होने की अपेक्षा नहीं की जायेगी।

घातक दुर्घटनाओं
का विवरण

37—धारा 88 की उपधारा (1) के द्वारा अपेक्षित विवरण प्रपत्र नौ में होगा।

ज्ञापन का प्रारूप

38—धारा 89 की उपधारा (1) के अधीन सक्षम प्राधिकारी को प्रेषित करार ज्ञापन, जब तक सक्षम प्राधिकारी अन्यथा निदेश न दे, दो प्रतियों में होगा और उक्त ज्ञापन परिस्थितिजन्य मामले के अनुरूप यथास्थिति प्रपत्र दस अथवा प्रपत्र दस-क अथवा प्रपत्र दस-ख में होगा।

करार ज्ञापन
अभिलिखित करने
अथवा उसे
अस्वीकृत करने की
प्रक्रिया

39—(1) करार ज्ञापन प्राप्त किये जाने पर सक्षम प्राधिकारी, ज्ञापन अभिलिखित करने अथवा उसे अभिलिखित करने से अस्वीकृत करने का विनिश्चय करने हेतु करार के पक्षकारों को प्रपत्र-ग्यारह में सुनवाई का दिनांक तथा स्थान नियत करते हुये नोटिस जारी करेगा कि आपत्तियाँ त्रुटिपूर्ण होने पर नियत दिनांक को ज्ञापन अभिलिखित करने का उसका प्रस्ताव होगा। इस उपनियम के अधीन नोटिस, व्यक्तिगत रूप से अथवा पंजीकृत डॉक/स्पीड पोस्ट के माध्यम से अथवा इलेक्ट्रॉनिक रूप से प्रेषित की जा सकती है:

परन्तु यह कि जब नोटिस लिखित रूप से अन्यथा रूप में जारी की जाय तब नोटिस उस समय उपस्थित पक्षकारों को मौखिक रूप से संसूचित की जा सकती है।

(2) इस प्रकार नियत दिनांक को करार के पक्षकारों की सुनवाई करने के पश्चात् सक्षम प्राधिकारी ज्ञापन अभिलिखित करने या उसे अभिलिखित करने से अस्वीकृत करने का विनिश्चय करेगा:

परन्तु यह कि उपनियम (1) के अधीन नोटिस जारी किया जाना, इस प्रकार नियत दिनांक को ज्ञापन अभिलिखित करने को अस्वीकृत करने से सक्षम प्राधिकारी को रोका जाना नहीं समझा जायेगा, भले ही सम्बंधित किसी पक्षकार द्वारा कोई आपत्ति न की गयी हो।

(3) यदि ऐसे दिनांक को सक्षम प्राधिकारी यह विनिश्चय कर लेता है कि ज्ञापन अभिलिखित नहीं किया जाना चाहिये तो वह उपस्थित पक्षकारों को अपने विनिश्चय तथा तत्सम्बंधी कारणों की सूचना देगा और यदि ज्ञापन अभिलिखित किया जाना चाहने वाला पक्षकार उपस्थित न हो, तो वह उक्त सूचना उक्त पक्षकार को प्रेषित करेगा।

40—करार का ज्ञापन अभिलिखित करने में सक्षम प्राधिकारी प्रपत्र—बारह में किसी रजिस्टर में उसकी प्रविष्टि करायेगा, और ज्ञापन की एक प्रति पर अपने हस्ताक्षर से पृष्ठांकन की प्रविष्टि निम्नलिखित निबंधनों के अनुसार करायेगा जिसे वह अपने पास प्रतिधारित करेगा, अर्थात्:—

करार ज्ञापन, कम संख्या..... वर्ष, 20.....

आज दिनांक..... सन्.....को रजिस्टर में अभिलिखित किया गया।

हस्ताक्षर.....

सक्षम प्राधिकारी

41—(1) इस अध्याय के प्रयोजनार्थ सक्षम प्राधिकारी के रूप में नियुक्त किया जाने वाला व्यक्ति सहायक श्रमायुक्त की श्रेणी से अन्यून ऐसा राजपत्रित अधिकारी होगा जिसकी शैक्षिक अर्हता वही होगी जैसा कि राज्य सरकार द्वारा उक्त पद के लिये विहित किया जाय।

(2) इस अध्याय के प्रयोजनार्थ सक्षम प्राधिकारी के रूप में नियुक्त किये जाने वाले व्यक्ति को सहायक श्रमायुक्त के पद पर कम से कम तीन वर्ष की सेवा का अनुभव धारित करना होगा:

परन्तु यह कि ऐसे किसी व्यक्ति, जो पांच वर्ष तक सुलह अधिकारी के रूप में कार्य किया हो, को सक्षम प्राधिकारी के रूप में नियुक्त किये जाने के लिये ऊपर उल्लिखित अनुभव धारित करने की आवश्यकता नहीं है।

42—जब राहत के लिये आवेदन किसी दस्तावेज पर आधारित हो तब उक्त दस्तावेज आवेदन के साथ संलग्न किया जायेगा:

परन्तु यह कि सक्षम प्राधिकारी की पूर्व अनुज्ञा से उक्त दस्तावेज आवेदन की सुनवाई के दौरान प्रस्तुत किये जा सकते हैं।

43—(एक) यदि आवेदन प्राप्त होने पर सक्षम प्राधिकारी को यह प्रतीत होता है कि उसे अन्य सक्षम प्राधिकारी को प्रस्तुत किया जाना चाहिये तो वह उसे आवेदक को उस पर प्रस्तुतिकरण तथा वापसी का दिनांक, उसे वापस किये जाने का कारण और सक्षम प्राधिकारी का पदनाम, जिसे इसे प्रस्तुत किया जाना चाहिये, पृष्ठांकित करने के पश्चात् वापस कर देगा।

(दो) यदि किसी मामले में प्रक्रम में सक्षम प्राधिकारी को यह प्रतीत होता है कि आवेदन अन्य सक्षम प्राधिकारी द्वारा ग्रहण किया जाना चाहिये तो वह उस मामले की पत्रावली उस प्राधिकारी, जिसके पास अधिकारिता है, को भेजेगा और तत्सम्बंध में आवेदक और पक्षकारों को सूचित करेगा।

(तीन) ऐसा सक्षम प्राधिकारी, जिसे उक्त मामला अंतरित किया गया हो, कार्यवाही जारी रखेगा मानों पूर्व कार्यवाहियाँ उसके समक्ष की गई हों, यदि उसका यह समाधान हो जाता है कि इससे पक्षकारों के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

44—(1) सक्षम प्राधिकारी, आवेदन पर विचार करने के पश्चात् और आवेदक की किसी परीक्षा के परिणाम के पश्चात्, आवेदन को संक्षेपतः खारिज कर सकता है, यदि, अभिलिखित किये जाने वाले कारणों से उसकी यह राय हो कि उस पर कार्यवाही किये जाने के पर्याप्त आधार नहीं हैं:

अभिलिखित करने के लिये स्वीकृत ज्ञापन का रजिस्ट्रीकरण

धारा 19 की उपधारा (1) के अधीन सक्षम प्राधिकारी की अर्हता तथा उसका अनुभव

धारा 93 की उपधारा (3) के अधीन आवेदन

मिथ्या सक्षम प्राधिकारी को प्रस्तुत किया गया आवेदन

आवेदन का संक्षेपतः खारिज किया जाना

	परन्तु यह कि उपनियम (1) के अधीन आवेदन खारिज किये जाने से आवेदक उसी मामले का निस्तारण किये जाने हेतु नया आवेदन प्रस्तुत करने से स्वयं निवारित नहीं होगा।
	(2) यदि आवेदन, सक्षम प्राधिकारी द्वारा संक्षेपतः खारिज नहीं किया जाता है तो वह विरोधी पक्षकार या पक्षकारों, जिसके/जिनके विरुद्ध राहत की अपेक्षा की गयी हो, संलग्न आवेदन और अन्य दस्तावेजों की प्रति के साथ नोटिस जारी करेगा।
पक्षकारों :के निवेदन	45—(1) यदि विरोधी पक्षकार, दावे का प्रतिवाद करना चाहता हो, तो वह दस्तावेजों के साथ एक लिखित कथन दाखिल कर सकता है, और यदि कोई लिखित कथन दाखिल न किया गया हो, तो सक्षम प्राधिकारी दावे के सम्बंध में उसका परीक्षण करने की कार्यवाही करेगा, और परीक्षण के परिणाम को लिपिबद्ध करेगा। (2) यदि विरोधी पक्षकार लिखित कथन दाखिल करता है तो आवेदक दस्तावेजों के साथ प्रत्युत्तर दाखिल कर सकता है।
विवाद्यक विरचित किया जाना	46—(1) पक्षकारों के किसी लिखित कथन और उनकी किसी परीक्षा के परिणाम पर विचार करने के पश्चात्, सक्षम प्राधिकारी मामले के विनिश्चय के लिये विवाद्यक विरचित कर सकता है। (2) जहाँ विधि और तथ्यों के विवाद्यक विरचित किये जायें और यदि प्राधिकारी की यह राय हो कि मामले का विनिश्चय विधि विवादकों के आधार पर किया जा सकता है तो वह उन विवादकों पर सुनवाई की कार्यवाही करेगा और विधि विवादकों पर विनिश्चय के पश्चात् तथ्यों के विवादकों पर सुनवाई की कार्यवाही की जायेगी।
डायरी	47—सक्षम प्राधिकारी किसी आवेदन से सम्बंधित कार्यवाहियों की एक संक्षिप्त डायरी अनुरक्षित करायेगा।
संहिता के अधीन किसी आवेदन के विचारण तथा निस्तारण से सम्बंधित विशेष उपबंध	48—(1) उक्त संहिता के अधीन प्रत्येक आवेदन पर विचारण यथा सम्भव शीघ्र किया जायेगा और विरोधी पक्षकार को आवेदन की नोटिस तामील किये जाने के दिनांक के छः माह के भीतर समाप्त किये जाने का प्रयास किया जायेगा। (2) उन मामलों में, जहाँ छः माह का अवसान हो गया हो वहाँ सुनवाई दिन-प्रतिदिन संचालित की जायेगी।
साक्ष्य	49—(1) विवाद्यक विरचित किये जाने के पश्चात् पक्षकार अपना-अपना साक्ष्य शपथ-पत्र पर प्रस्तुत कर सकते हैं, जिस पर विरोधी पक्षकार को प्रतिपरीक्षा का अधिकार होगा। (2) कार्यवाहियों के लिए किसी पक्षकार द्वारा आवेदन किये जाने पर और सक्षम प्राधिकारी द्वारा निर्धारित फीस और व्ययों को जमा किये जाने पर, सक्षम प्राधिकारी किसी साक्षी को समन कर सकता है, जिसका साक्ष्य उसकी राय में मामले का न्यायसंगत विनिश्चय करने के लिये आवश्यक हो। (3) समस्त साक्षियों के साक्ष्य, सक्षम प्राधिकारी की उपस्थिति में अभिलिखित किये जायेंगे और उसके हस्ताक्षर तथा मुहर से अधिप्रमाणित किये जायेंगे।
फीस का पैमाना	50—मामले की कार्यवाहियों से संबंधित फीस वही होगी जैसा कि राज्य सरकार द्वारा समय-समय पर अवधारित किया जायः परन्तु यह कि यदि किसी मामले में आवेदक, किसी कारणवश फीस का अग्रिम संदाय करने में असमर्थ हो तो सक्षम प्राधिकारी अग्रिम फीस जमा के बिना कार्यवाही कर सकता है और यह निदेश दे सकता है कि फीस का संदाय, मामले के अंतिम विनिश्चय के पश्चात् देय होगा।
अनुषंगिक लागतें	51. (1) विवाद का कोई पक्षकार, जो विनिश्चय, डिक्री अथवा अन्य दस्तावेज की प्रमाणित प्रतियाँ प्राप्त करना चाहे, उन्हें निम्नलिखित दर पर संदाय करके प्राप्त कर सकता है:—

- (क) किसी अभिलेख दस्तावेज अथवा कथन अथवा आदेश अथवा डिक्री की प्रतियों की लागत, प्रति पृष्ठ 2/- रुपये तथा आवेदन की प्रति के लिए 10 रुपये होगी;
- (ख) समन अथवा नोटिसें तामील किये जाने की लागत अथवा साक्षियों के व्यय अथवा पूर्व में निर्दिष्ट न किये गये किसी मामले में संदेय लागत की धनराशि वही होगी जैसा कि न्यायालय द्वारा प्रत्येक मामले में विनिर्दिष्ट किया जाय और ऐसी धनराशि तथा इस नियम के अधीन संदेय किसी अन्य धनराशि का संदाय ऐसी रीति से तथा ऐसे समय के भीतर किया जायेगा जैसा कि विनिर्दिष्ट किया जाय;
- (ग) न्यायालय, जब कभी आवेदक के आवेदनों पर या अन्यथा रूप में यह पाता है कि आवेदक लागत का संदाय करने में असमर्थ है, आवेदक को व्यय का संदाय किये जाने से छूट प्रदान कर सकता है।
- (2) कोई व्यक्ति, जो विवाद का पक्षकार न हो, ऊपर उल्लिखित खण्डों में विहित शुल्कों का संदाय करके गोपनीय दस्तावेजों को छोड़कर विनिश्चय, डिक्री या अन्य दस्तावेजों की प्रमाणित प्रति प्राप्त कर सकता है।

52—(1) जहाँ किसी सक्षम प्राधिकारी के समक्ष लम्बित दो या उससे अधिक मामले एक ही दुर्घटना से उद्भूत हुये हों और सम्मिलित कोई विवादक ऐसे दो या उससे अधिक मामलों के लिये सामान्य हो वहाँ ऐसे मामलों की सुनवाई एक साथ की जा सकती है, जहाँ तक ऐसे विवादक वाले साक्ष्य का सम्बंध हो।

(2) जहाँ कार्यवाही उपनियम (1) के अधीन की जाय वहाँ सामान्य विवादक या विवादकों से संबंधित साक्ष्य को एक मामले के अभिलेख में अभिलिखित किया जायेगा, और सक्षम प्राधिकारी ऐसे किसी अन्य मामले के अभिलेख अपने हस्ताक्षर से उस सीमा तक प्रमाणित करेगा जिस सीमा तक इस प्रकार अभिलिखित साक्ष्य ऐसे अन्य मामले तथा ऐसे तथ्य के लिये लागू होता हो कि ऐसे अन्य मामलों के पक्षकारों के पास साक्ष्य हेतु प्रतिपरीक्षित किये जाने हेतु उपस्थित होने का अवसर था, यदि वे उपस्थित होते।

53—उक्त संहिता या इस नियमावली में अभिव्यक्त रूप अन्यथा उपबंधित के सिवाय सिविल प्रक्रिया संहिता, 1908 (अधिनियम संख्या 5 सन् 1908) की प्रथम अनुसूची के निम्नलिखित उपबंध अर्थात्, वे उपबंध, जो आदेश पाँच के नियम 9 से 13 और नियम 15 से 30 में अन्तर्विष्ट हों; आदेश नौ; आदेश बारह के नियम 3 से 10; आदेश सोलह के नियम 2 से 21; आदेश सत्तरह; और आदेश तेईस के नियम 1 और 2 सक्षम प्राधिकारियों के सक्षम कार्यवाहियों के लिये लागू होंगे, जहाँ तक वे उन पर लागू हों:

परन्तु यह कि—

(क) उक्त उपबंधों को लागू करने को सुगम बनाने के प्रयोजनार्थ सक्षम प्राधिकारी ऐसे परिवर्तनों के साथ उन्हें संनिर्मित कर सकता है, जिनसे सारभूतअंश प्रभावित न हो, जैसा कि उसके समक्ष प्रस्तुत मामले के लिये उन्हें अंगीकृत करना आवश्यक या उचित हो।

(ख) सक्षम प्राधिकारी, पर्याप्त कारणों से उक्त उपबंध से भिन्न अन्यथा रूप में कार्यवाही कर सकता है यदि उसका यह समाधान हो जाय कि उससे पक्षकारों के हितों पर प्रतिकूल प्रभाव नहीं पड़ेगा।

अध्याय—सात अपराध और शास्तियां

54—(1) यदि धारा 138 की उपधारा (1) के अधीन अपराधों के प्रशमन के प्रयोजनार्थ राज्य सरकार द्वारा अधिसूचित अधिकारी (जिसे आगे 'प्रशमनकर्ता अधिकारी' कहा गया है) की यह राय हो कि उक्त संहिता के अधीन अपराध प्रशमनीय है तो वह नियोजक को प्रपत्र—तेरह में हस्तकृत रूप से या इलेक्ट्रानिक रूप से नोटिस प्रेषित करेगा।

(2) नियोजक यदि ऐसा चाहे, प्रशमनकर्ता अधिकारी को प्रपत्र—चौदह में हस्तकृत रूप से या इलेक्ट्रानिक रूप से आवेदन करेगा और उपनियम (1) के अधीन नोटिस प्राप्त किये जाने के दिनांक से पन्द्रह दिन के भीतर उक्त धनराशि इलेक्ट्रानिक रूप से जमा करेगा।

सम्बंधित मामलों में प्रक्रिया

सिविल प्रक्रिया संहिता, 1908 के कतिपय उपबंधों का लागू होना

धारा 138 अधीन अपराधों के प्रशमन के लिये आवेदन का प्रपत्र और अपराधों के प्रशमन की रीति

(3) यदि अभियुक्त उपधारा (2) की अपेक्षा का अनुपालन करता है तो प्रशमनकर्ता अधिकारी, अभियुक्त द्वारा जमा की गयी धनराशि के निमित्त अपराध प्रशमित करेगा और यदि अभियुक्त के विरुद्ध अभियोजन संस्थित न किया गया हो तो अभियोजन हेतु कोई शिकायत अभियुक्त के विरुद्ध संस्थित नहीं की जायेगी।

(4) यदि अभियोजन संस्थित किये जाने के पश्चात् अपराध प्रशमित किया जाता है तो प्रशमनकर्ता अधिकारी, धारा 85 की उपधारा (1) के अधीन नियुक्त प्राधिकारी या सक्षम न्यायालय, जिसमें अभियोजन लंबित हो, को सूचित करेगा और ऐसी सूचना प्राप्त करने के पश्चात् उक्त अधिकारी या न्यायालय अभियुक्त को निर्मोचित कर देगा तथा अभियोजन को बंद कर देगा।

(5) प्रशमनकर्ता अधिकारी, राज्य सरकार के निदेश, नियंत्रण तथा पर्यवेक्षण के अध्यक्षीन इस नियम के अधीन अपराध प्रशमित करने की शक्तियों का प्रयोग करेगा।

अध्याय—आठ

नियोजन की सूचना और उसका अनुश्रवण

धारा 2 के खण्ड (9) के अधीन वृत्तिक केन्द्र स्थापित किये जाने और वृत्तिक सेवायें अनुरक्षित किये जाने की रीति

55—(1) राज्य सरकार अधिसूचना द्वारा वृत्तिक केन्द्र स्थापित, संचालित और अनुरक्षित कर सकती है अथवा इसके पहले से स्थापित कार्यालय या रोजगार कार्यालय या दोनों या किसी पोर्टल में उपान्तरण कर सकती है या ऐसी घोषणा कर सकती है अथवा ऐसे किसी अन्य केन्द्र को वृत्तिक केन्द्र के रूप में प्राधिकृत कर सकती है। जब तक ऐसी अधिसूचना जारी नहीं की जाती है तब तक विद्यमान स्थानीय रोजगार कार्यालय वृत्तिक केन्द्रों (क्षेत्रीय) के रूप में कार्य करेंगे।

(2) राज्य सरकार कोई वृत्तिक केन्द्र संचालित करने के लिये किसी संस्था, स्थानीय प्राधिकरण, स्थानीय निकाय या निजी निकाय के साथ करार भी कर सकती है।

(3) उपरोक्त उपनियम (1) और (2) के अधीन स्थापित वृत्तिक केन्द्र, अन्य बातों के साथ निम्नलिखित कृत्यों का सम्पादन करेंगे, अर्थात्:—

(क) रजिस्टर अनुरक्षित करके या अन्यथा द्वारा हस्तकृत रूप से डिजिटल रूप से, यथार्थ रूप में या किसी अन्य रीति से निम्नलिखित से सम्बंधित सूचना संग्रहीत किया जाना तथा उपलब्ध कराया जाना:—

(एक) ऐसे व्यक्ति, जो कर्मचारियों को नियोजित करना चाहते हैं;

(दो) ऐसे व्यक्ति, जो नियोजन चाहते हैं;

(तीन) रिक्तियां होना; और

(चार) ऐसे व्यक्ति, जो व्यावसायिक मार्गदर्शन और वृत्तिक परामर्श या स्वरोजगार प्रारम्भ करने का मार्गदर्शन चाहते हैं;

(ख) वृत्तिक परामर्श एवं व्यावसायिक मार्गदर्शन प्रदान करना;

(ग) रोजगार मेलों और रोजगार अभियानों का आयोजन;

(घ) नियोजन संबंधी सर्वेक्षण और अध्ययन;

(ङ) नियोजन क्षमता बढ़ाने वाली गतिविधियां; और

(च) अन्य सेवायें, जैसा कि सरकार द्वारा समय-समय पर विनिश्चित किया जाय।

56—(1) वृत्तिक केन्द्रों को रिक्तियों की रिपोर्ट किया जाना:—

(क) राज्य या उसके किसी क्षेत्र में इस संहिता के प्रारम्भ होने के पश्चात् नियोजक, राज्य या उसके क्षेत्र के सार्वजनिक क्षेत्र के प्रत्येक अधिष्ठान में नियोजन के लिये कोई रिक्ति भरने से पूर्व उस रिक्ति से संबंधित सूचना ऐसे वृत्तिक केन्द्र को देगा या दिलायेगा जैसा कि राज्य सरकार द्वारा अधिसूचना में विनिर्दिष्ट किया जाय।

(ख) निजी क्षेत्र के प्रत्येक अधिष्ठान का नियोजक या निजी क्षेत्र के किसी वर्ग या श्रेणी का प्रत्येक अधिष्ठान, उस अधिष्ठान के किसी नियोजन में कोई रिक्ति भरने के पूर्व उक्त रिक्ति की रिपोर्ट ऐसे दिनांक से ऐसे वृत्तिक केन्द्र (क्षेत्रीय) को देगा या दिलायेगा जैसाकि राज्य सरकार द्वारा अधिसूचना में विनिर्दिष्ट की जाय।

धारा 139 की उपधारा (2) के अधीन संबंधित वृत्तिक केन्द्र में नियोजक द्वारा रिक्तियां रिपोर्ट किये जाने की रीति तथा प्रपत्र और उसके द्वारा विवरणी दाखिल किये जाने का प्रपत्र

(ग) राज्य सरकार नियोजक द्वारा रिपोर्ट की गयी रिक्तियों की प्राप्ति के लिए तन्त्र (डिजिटल सहित) का उपबंध करेगी। वृत्तिक केन्द्र, जिसे रिक्तियां रिपोर्ट की जाय, रिपोर्ट की गई रिक्ति के लिए एक विशिष्ट रिक्ति रिपोर्टिंग संख्या का उपबंध करेगा और इसे नियोजक को तत्काल लिखित रूप में ई-मेल के माध्यम से या डिजिटल रूप से या किसी अन्य माध्यम से किन्तु किसी भी स्थिति में रिक्तियों की रिपोर्ट प्राप्त किये जाने के दिनांक से तीन कार्य दिवस के अपश्चात् सूचित करेगा।

स्पष्टीकरण:-

(1) "सार्वजनिक क्षेत्र" का अधिष्ठान का तात्पर्य निम्नलिखित द्वारा स्वामित्व प्राप्त, नियंत्रित या प्रबंधकृत किसी अधिष्ठान से है:-

(एक) सरकार या सरकारी विभाग;

(दो) कंपनी अधिनियम, 2013 (अधिनियम संख्या 18 सन् 2013) की धारा 2 के खण्ड (45) में यथा परिभाषित कोई सरकारी कंपनी;

(तीन) कोई निगम (जिसमें सहकारी समिति सम्मिलित है) या कोई स्वायत्तशासी संगठन या कोई प्राधिकरण या कोई निकाय जो केन्द्रीय या राज्य अधिनियम द्वारा या तद्धीन स्थापित हो; जो सरकार द्वारा स्वामित्व प्राप्त, नियंत्रित या प्रबंधकृत हो; और

(चार) कोई स्थानीय प्राधिकरण।

(2) "निजी क्षेत्र का अधिष्ठान" का तात्पर्य ऐसे किसी अधिष्ठान से है जो सार्वजनिक क्षेत्र का अधिष्ठान न हो और जिसमें सामान्यतः 50 या उससे अधिक कर्मचारी या उतनी संख्या में कर्मचारी हों जैसाकि केन्द्र सरकार द्वारा अधिसूचित किया जाय।

(2) रिक्तियों की रिपोर्टिंग के लिए रिक्तियों के प्रकार और भिन्न-भिन्न वृत्तिक केन्द्र-

(क) निम्नलिखित रिक्तियां, अर्थात्:-

(एक) राज्य सरकार द्वारा यथा अधिसूचित न्यूनतम वेतन या वेतन स्तर या दोनों के रूप में प्राविधिक और वैज्ञानिक प्रकृति के पदों वाली ऐसी समस्त रिक्तियां, जो ऐसे अधिष्ठानों में होती हैं जिनके सम्बंध में राज्य सरकार संहिता के अधीन समुचित सरकार हो; और

(दो) ऐसी रिक्तियाँ, जिन्हें कोई नियोजक राज्य के बाहर के वृत्तिक केन्द्रों को परिचालित करना चाहे;

ऐसे वृत्तिक केन्द्र (क्षेत्रीय) को सूचित की जायेंगी जैसा कि राज्य सरकार द्वारा अधिसूचना के माध्यम से विहित किया जाय।

(ख) ऐसी रिक्तियाँ, जिन्हें वृत्तिक केन्द्र (क्षेत्रीय) को सूचित किया गया हो और जिनके लिए भर्ती राज्य या अन्तर्राज्यीय या अखिल भारतीय आधार पर की जानी हो, वृत्तिक केन्द्र (केन्द्रीय) को भी सूचित की जायेंगी अथवा केन्द्र सरकार द्वारा अधिसूचना के माध्यम से यथा विहित डिजिटल पोर्टल पर अपलोड की जायेंगी।

(3) रिक्तियों को सूचित किये जाने का प्रपत्र तथा उसकी रीति:-

(क) रिक्तियां लिखित रूप में या विधिमान्य शासकीय ई-मेल के माध्यम से या डिजिटल रूप से राज्य सरकार द्वारा विनिर्दिष्ट वृत्तिक केन्द्र को सूचित की जायेंगी।

(ख) रिक्तियां, प्रत्येक प्रकार की रिक्ति से सम्बंधित पृथक-पृथक उतने विवरण जितना यथा-साध्य हो, उपलब्ध कराते हुए प्रपत्र-पन्द्रह में दिये गये प्रारूप में सूचित की जायेंगी।

(ग) उपनियम (3) के खण्ड (क) के अधीन वृत्तिक केन्द्र को पहले से उपलब्ध कराये गये विवरणों में किसी प्रकार के परिवर्तन के सम्बंध में सूचना यथास्थिति लिखित रूप में या शासकीय ई-मेल के माध्यम से या डिजिटल रूप में विनिर्दिष्ट वृत्तिक केन्द्र को दी जायेगी।

(4) रिक्तियों को सूचित किये जाने की समय-सीमा :-

वृत्तिक केन्द्र (क्षेत्रीय) को सूचित किये जाने हेतु अपेक्षित रिक्तियाँ, सूचित की गयी रिक्तियों के सापेक्ष नियुक्ति के प्रयोजनार्थ या साक्षात्कार या परीक्षा लेने के लिये भावी अभ्यर्थियों के आवेदन प्राप्त किये जाने के अन्तिम दिनांक से कम से कम पन्द्रह दिन पूर्व सूचित की जायेगी।

(5) अभिलेखों का अनुरक्षण किया जाना :—

(क) राज्य या उसके क्षेत्र में इस संहिता के प्रारम्भ होने के पश्चात् राज्य या उसके क्षेत्र में स्थित सार्वजनिक क्षेत्र के किसी अधिष्ठान में नियोजक को निम्नलिखित के सम्बंध में हस्तकृत रूप से या इलेक्ट्रॉनिक या डिजिटल रूप से अभिलेख अनुरक्षित करना होगा :—

(एक) प्रत्येक वर्ष 31 मार्च के अनुसार कुल कर्मचारी संख्या (नियमित, संविदात्मक या नियतकालिक नियोजन);

(दो) 31 मार्च को समाप्त होने वाले वर्ष के दौरान भर्ती किये गये व्यक्ति;

(तीन) प्रत्येक वर्ष 31 मार्च को अपने कर्मचारियों का व्यावसायिक विवरण;

(चार) रिक्तियाँ, जिनके लिये 31 मार्च को समाप्त होने वाले वर्ष के दौरान उपयुक्त अभ्यर्थी उपलब्ध नहीं हुए; और

(पाँच) अगले वित्तीय वर्ष के दौरान होने वाली सम्भावित रिक्तियों की अनुमानित संख्या।

(ख) राज्य सरकार, अधिसूचना द्वारा यह अपेक्षा कर सकती है कि अधिसूचना में विनिर्दिष्ट किये जाने वाले दिनांक से निजी क्षेत्र के प्रत्येक अधिष्ठान का नियोजक अथवा निजी क्षेत्र के किसी वर्ग या श्रेणी का प्रत्येक अधिष्ठान निम्नलिखित के संबंध में हस्तकृत रूप से या इलेक्ट्रॉनिक या डिजिटल रूप से अभिलेख अनुरक्षित रखेगा :—

(एक) प्रत्येक वर्ष 31 मार्च के अनुसार कुल कर्मचारी संख्या (नियमित, संविदात्मक या नियतकालिक नियोजन);

(दो) 31 मार्च को समाप्त होने वाले वर्ष के दौरान भर्ती किये गये व्यक्ति;

(तीन) प्रत्येक वर्ष 31 मार्च को अपने कर्मचारियों का व्यावसायिक विवरण;

(चार) रिक्तियाँ, जिनके लिये 31 मार्च को समाप्त होने वाले वर्ष के दौरान उपयुक्त अभ्यर्थी उपलब्ध न हुए हों; और

(पाँच) अगले वित्तीय वर्ष के दौरान होने वाली सम्भावित रिक्तियों की अनुमानित संख्या।

(6) विवरणी प्रस्तुत किया जाना: कोई नियोजक, प्रपत्र—सोलह में यथा प्रदत्त प्रपत्र—ई0आई0आर0 (नियोजन सूचना विवरणी) में वार्षिक विवरणी संबंधित वृत्तिक केन्द्र को उपलब्ध करायेगा। वार्षिक विवरणी नियत दिनांक अर्थात् वर्ष के 31 मार्च से तीस दिन के भीतर संबंधित राज्य सरकार द्वारा अधिसूचना के माध्यम से यथा विनिर्दिष्ट रूप में यथा स्थिति हस्तकृत रूप से या इलेक्ट्रॉनिक या डिजिटल रूप में उपलब्ध करायी जायेगी।

(7) कार्यपालक अधिकारी की घोषणा: नियोजन निदेशक या उसके समकक्ष या उससे ऊपर श्रेणी के अधिकारी, जो संबंधित राज्य सरकार के वृत्तिक केन्द्रों (क्षेत्रीय) का कार्य नियंत्रित करता हो, वृत्तिक केन्द्रों (क्षेत्रीय) के कार्य का देखभाल करने वाले किसी अधिकारी को संहिता के अध्याय—तेरह (नियोजन, सूचना तथा अनुश्रवण) के प्रवर्तन/क्रियान्वयन के प्रयोजनार्थ प्रत्येक जिला के लिये “कार्यपालक अधिकारी” लिखित रूप में घोषित करेगा। वह ऐसा अधिकारी होगा जो संहिता की धारा 139 में निर्दिष्ट अधिकारों का प्रयोग करेगा और कर्तव्यों का निष्पादन करेगा अथवा उन अधिकारों का प्रयोग करने एवं कर्तव्यों का निष्पादन करने के लिये किसी व्यक्ति को लिखित रूप में प्राधिकृत करेगा।

(8) संहिता के अध्याय तेरह के अधीन शास्ति का उद्ग्रहण नियोजन निदेशक या समकक्ष या ऊपर के रैंक का अधिकारी, जो सम्बंधित राज्य के वृत्तिक केन्द्रों (क्षेत्रीय) के कार्य का नियंत्रण करता हो, संहिता के अधीन धारा 133 में यथा उल्लिखित किसी अपराध के लिये शास्ति उद्ग्रहण को संस्थित किये जाने को अनुमोदित करने या संस्थित किये जाने को मंजूर करने के लिये सक्षम प्राधिकारी होगा।

अध्याय—नौ**प्रकीर्ण**

57—प्रत्येक नियोजक, जिस पर कोड लागू होता है, इलेक्ट्रॉनिक रूप से या अन्यथा प्रपत्र, रजिस्टर आदि रूप से कर्मचारों का ऐसे प्रपत्रों में जैसा कि राज्य सरकार द्वारा सामान्य या विशेष आदेश द्वारा विनिर्दिष्ट किया जाय, निम्नलिखित रजिस्टर अनुरक्षित करेगा :—

कर्मचारियों की वेतन अवधि, उनके द्वारा कृत कार्य हेतु दिवसों तथा घंटों की संख्या का रजिस्टर ;

अवकाश वेतन का रजिस्टर; और

कर्मचारी नियोजन, व्यावसायिक कर्मचारी विवरण, विशिष्ट अवधि के दौरान भर्ती किये गये व्यक्तियों और ऐसी रिक्रियों, जिनके लिये उक्त अवधि के दौरान उपयुक्त अभ्यर्थी उपलब्ध नहीं हुए, का रजिस्टर।

58—प्रत्येक नियोजक को प्रदर्शित की जाने वाली समस्त अपेक्षित सूचनाओं को अधिष्ठान के सूचना पट्ट पर सहज दृश्य रूप से प्रदर्शित करना होगा। सूचना प्रदर्शित किया जाना

59—प्रत्येक नियोजक को कर्मचारियों के लिये वेतन पर्ची ऐसे प्रपत्र में जैसा कि राज्य सरकार द्वारा सामान्य या विशेष आदेश द्वारा विहित किया जाय, इलेक्ट्रॉनिक रूप से या अन्यथा रूप से जारी करना होगा वेतन पर्ची

60—(1) प्रत्येक नियोजक को प्रपत्र—सत्रह में दी गयी रीति से ऐसी विवरणी दाखिल करनी होगी जिसमें खतरनाक घटनाओं, दुर्घटनाओं, चोटों, जिनके संबंध में नियोजक द्वारा प्रतिकर संदत्त किया गया हो और साथ ही साथ ऐसे प्रतिकर की धनराशि का विवरण अन्तर्विष्ट हो। विवरणियाँ

(2) प्रत्येक नियोजक को ऐसी विवरणी इलेक्ट्रॉनिक रूप से या अन्यथा रूप से ऐसे अधिकारी या प्राधिकारी को दाखिल करना होगा जैसा कि राज्य सरकार द्वारा सामान्य या विशेष आदेश द्वारा नियत किया जाय।

61—धारा 122 की उपधारा (6) की शक्तियों के अतिरिक्त निरीक्षक—सह—सुविधा निरीक्षक—सह—सुविधा प्रदाता ऐसी अन्य शक्तियों का प्रयोग कर सकता है और ऐसे अन्य कर्तव्यों का निष्पादन प्रदाता की अन्य शक्तियाँ करेगा जैसाकि राज्य सरकार द्वारा सामान्य या विशेष आदेश द्वारा समनुदेशित किया जाय।

आज्ञा से,
सुरेश चन्द्रा,
अपर मुख्य सचिव।

प्रपत्र—एक**(See rule 24 (1))**

In the Employees, Insurance Court

at.....

.....

.....Applicant (add description and residence)

Against

.....

.....

.....Opposite

Party(add description and residence)

Other Particulars of Application specified in rule 24

(1).....

.....

.....

.....

Signature of Applicant

Date

(verification by the applicant)

The statement of facts contained in this application is to the best of my knowledge and belief, true and correct

.....

Signature

Date

प्रपत्र-दो

[See Rule 24 (4)]

Employee's Insurance Court at

Register of proceedings in the year 20.....

	Date of presentation of application		Applicant		opposite party		Claim				appearances			final				appeal		executive							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26		

प्रपत्र-तीन**[See sub-rule (1) of Rule 27]*****Nomination***

To

(Give here name or description of the establishment with full address.)

(Name in full here)

I, Shri/Shrimati/Kumari.....whose particulars are given in the statement below, hereby nominate the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name (s) of the nominee(s).

2. I, hereby certify that the person (s) mentioned is/are member (s) of my family within the meaning of clause (h) of Section 2 of the Payment of Gratuity Act, 1972.

3. I, hereby declare that I have no family within the meaning of sub-section (33) of Section 2 of the Code.

4. (a) My father/mother/parents is/are not dependent on me.

(b) My husband's father/mother/parents is/are not dependent on my husband.

NOMINEE(S)

Name in full with full address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1	2	3	4
1.			
2.			
3.			
4.			
so on			

STATEMENT

1. Name of the employee in full
2. Sex
3. Religion
4. Whether unmarried/married/widow/widower
5. Department/branch/section where employed
6. Post held with ticket no., or serial no., if any
7. Date of appointment
8. Permanent address

Village

, Thana

, Sub-Division

Post office

, District

, State

Place :

Date :

Signature/thumb-impression
of the employee.

Declaration by witness

Nomination signed/thumb-impressed before me

Name in full and full address

Of witness

Signature of witness

1.

1.

2.

2.

Certificate by the employer

Certified that the particulars that of the above nomination have been verified and recorded in the establishment.

Employer's reference no.,

If any.

Signature of the employer/officer authorized

Designation

Date :

name and the address of the establishment
or rubber stamp thereof.

Acknowledgement by the employee

Received the duplicate copy of nomination in form 'f' filed by me and duly certified by the employer .

Date :

Signature of the employee.

प्रपत्र-चार

[See sub-rule (3) of Rule 27]

Fresh Nomination

To

(Give her name or description of the establishment with full address.)

1. I, shri/shrimati.....(name in full here) whose particulars are given in the statement below, have acquired a family within the meaning of clause (h) of section 2 of the payment of gratuity act, 1972..... with effect from the (date here)..... in the matter indicated below and therefore nominate a fresh person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable or having become payable has not been paid, direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

2. I hereby certify the person(s) nominated is/are member(s) of my family within the meaning of clause(h) of section 2 of the said act.

3. (a) my father/mother/parents is/are not dependent on me.

(b) my husband's father/mother/parents is/are not dependent on my husband.

4. I have excluded my husband from my family by a notice, dated the to the controlling authority in terms of the proviso to clause (h) of section 2 of the said act.

NOMINEE(S)

Name in full with address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1	2	3	4

Manner of acquiring a 'family'

(here give details as to how a family was acquired, i.e. whether by marriage or parents being rendered dependent or through other process like adoption.)

STATEMENT

1. Name of the employee
2. Sex
3. Religion
4. Whether unmarried/married/widow/widower
5. Department/branch/section where employed
6. Post held with ticket no., or serial no., if any
7. Date of appointment
8. Permanent address

Village , Thana , Sub-Division
Post office , District , State

Place :

Date :

Signature/thumb-impression
of the employee

Declaration by witnesses

Fresh nomination signed/thumb-impressed before me.

Name in full and full address of witness.

Signature of witnesses

1.

1.

2.

2.

CERTIFICATE BY THE EMPLOYER

Certified that the particulars of the above nomination have been verified and recorded in this establishment.

Employer's reference no., if any.

Signature of the employer /officer authorised.

Designation .

Name and address of the establishment
or rubber stamp thereof.

Acknowledgement by the employee

Received the duplicate copy of the nomination in form 'g' filed by me on..... , duly
certified by the employer.

Date :

signature of the employee

प्रपत्र-पाँच

**[SEE SUB-RULE (4) OF RULE 27]
MODIFICATION OF NOMINATION**

To
(Give here name or description of the establishment with full address)

I, Shri/Shrimati/Kumari.....[Name in full here] whose particulars are given in the statement below, hereby give notice that the nomination filed by me on [date] and recorded under your reference no..... dated.....shall stand modified in the following manner. (Here give details of modifications intended)

STATEMENT

1. Name of employee in full
2. Sex
3. Religion
4. Whether unmarried/married/widow/widower
5. Department /Branch/Section where employed
6. Post held with Ticket or Serial No. if any
7. Date of appointment
8. Address in full

Place :

Signature/Thumb impression
of the employer

Date :

DECLARATION BY WITNESSES

Modification of nomination signed/thumb impressed before me. Name in full and full address of witnesses.

Signature of witnesses

1.

1.

2.

2.

Place :

Date :

CERTIFICATE BY THE EMPLOYER

Certified that the above modification have been recorded. Employer's Reference No., if any.

Signature of the employer/
officer authorised Designation
Name and address of the Establishment
or rubber stamp thereof.

ACKNOWLEDGEMENT BY THE EMPLOYEE

Received the duplicate copy of the notice for modification in Form 'H' filed by me on.....duly certified by the employer.

Date :

Signature of the employee

Note

प्रपत्र-छ:

**[SEE SUB-RULE (1) OF RULE 28]
APPLICATION OF GRATUITY BY AN EMPLOYEE**

To

(Give here name or description of the establishment with full address)

Sir/Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 53 of Code on Social Security, 2020 on account-

of my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to diseases with effect from the.....Necessary particulars relating to my appointment in the establishment are given in the statement below:

STATEMENT

1. Name in full
2. Address in full
3. Department /Branch/Section where last employed
4. Post held with Ticket No. or Serial No. if any
5. Date of appointment
6. Date and cause of termination of service
7. Total period of service
8. Amount of wages last drawn
9. Amount of gratuity claimed
2. I was rendered totally disabled as a result of
[Here give the details of the nature of disease or accident]

The evidence/witnesses in support of my total disablement are as follows:

[Here give details]

3. Payment may please be made in cash/open or crossed bank cheque.
4. As the amount of gratuity payable is less than rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above after deducting postal money order commission therefrom.

Place :

Date:

Yours faithfully,
Signature Thumb impression of
the applicant

प्रपत्र-छ:-क

**[SEE SUB-RULE (2) OF RULE 7]
APPLICATION FOR GRATUITY BY A NOMINEE**

To

[Give here name or description of the establishment with full address]

Sir/Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 4 of the Payment of Gratuity Act, 1972 as a nominee of late.....[Name of the employee] who was an employee of your establishment and died on the.....The gratuity is payable on account of the death of the aforesaid employee while in service/superannuation of the aforesaid employee on.....retirement or/resignation of the aforesaid employee on.....after completion ofyears of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from.....Necessary particulars relating to my claim given in the statement below:

STATEMENT

1. Name of applicant nominee.
2. Address in full of the applicant nominee.
3. Marital status of the applicant nominee (unmarried/married/widow/widower)
4. Name in full of the employee.
5. Marital status of employee.
6. Relationship of the nominee with employee.
7. Total period of service of the employee.
8. Date of appointment of the employee.
9. Date and cause of termination of service of the employee.
10. Department /Branch/Section where the employee last worked.
11. Post last held by the employee with Ticket or Serial No. if any.
12. Total wages last drawn by the employee.
13. Date of death and evidence/witness as proof of death of the employee.
14. Reference no. of recorded nomination, if available.
15. Total gratuity claimed.
16. Share of gratuity claimed.

2. I declare that the particulars mentioned in the above statement are true and correct to the best of my knowledge and belief.

3. Payment may please be made in cash/crossed or open bank cheque.

4. As the amount payable is less than rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above after deducting Postal Money Order commission therefrom.

Yours faithfully,

Place :

Date :

Signature/Thumb impression
of the applicant employee.

प्रपत्र-छ:-ख

**[SEE SUB-RULE (3) OF RULE 7]
APPLICATION FOR GRATUITY BY A LEGAL HEIR**

To

[Give here name or description of the establishment with full address]

Sir/Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 4 of the Payment of Gratuity Act, 1972 as a legal heir of late.....[Name of the employee] who 28 The Payment of Gratuity (Central) Rules, 1972 Forms was an employee of your establishment and died on the.....without making any nomination. The gratuity is payable on account of the death of the aforesaid employee while in service/superannuation of the aforesaid employee on the..... retirement or resignation of the aforesaid employee on the..... after completion ofyears of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the.....Necessary particulars relating to my claim given in the statement below:

STATEMENT

1. Name of applicant legal heir.
2. Address in full of the applicant legal heir.
3. Marital status of the applicant legal heir (unmarried/married/widow/widower)
4. Name in full of the employee.
5. Relationship of the applicant with employee.
6. Religion of both the applicant and the employee.
7. Date of appointment and total period of service of the employee.
8. Department /Branch/Section where the employee worked last.
9. Post last held by the employee with Ticket or Serial No. if any.
10. Total wages last drawn by the employee.
11. Date and cause of termination of service of the employee (death or otherwise).
12. Date of death of the employee and evidence/witness in support thereof.
13. Total gratuity payable to employee.
14. Percentage of the gratuity claimed.
15. Basis of the claim and evidence/witness in support thereof.

2. I declare that the particulars mentioned in the above statement are true and correct to the best of my knowledge and belief.

3. Payment may please be made in cash/crossed or open bank cheque.

4. As the amount payable is less than rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above, after deducting Postal Money Order commission therefrom.

Yours faithfully,

Place :

Date :

Signature/Thumb impression
of the applicant employee.

प्रपत्र-सात

**[SEE SUB-RULE (I) OF RULE 10]
APPLICATION FOR DIRECTION**

Before the Competent Authority under the Code on Social Security, 2020

Application no.....

Date.....

Between

[Name in full of the applicant with full address]

and

[Name in full of the employer concerned with full address]

The applicant is an employee of the above-mentioned employer / a nominee of latean employee of the above mentioned employer /a legal heir of lateand employee of the above-mentioned employer, and is entitled to payment of gratuity under section 53 of the the Code on Social Security, 2020 on account of his own/aforesaid employee's superannuation on..... (date)/his own retirement/aforesaid employee's resignation on..... (date) after completion of.....years of continuous service/his own/aforesaid employee's total disablement with effect from (date) due to accident/disease/death of the aforesaid employee on.....

2. The applicant submitted an application under ruleof the Code on Social Security, 2020 on the.....but the above-mentioned employer refused to entertain it/issued a notice dated the offering an amount of gratuity which is less than my due/issued a notice dated the rejecting my eligibility to payment of gratuity. The copy of the said notice is enclosed.

3. The applicant submits that there is a dispute on the matter.

[Specify the dispute]

4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above mentioned employer to pay the same to the petitioner.

5. The applicant declares that the particulars furnished in the annexure hereto are true and correct to the best of his knowledge and belief.

Date

Signature of the applicant/Thumb
impression of the applicant

ANNEXURE

1. Name in full of applicant with full address.
2. Basis of claim: (Death / Superannuation / Retirement / Resignation / Disablement of employee).
3. Name and address in full of the employee.
4. Marital status of the employee (unmarried/married/widow/widower)
5. Name and address in full of the employer.
6. Department /Branch/Section where the employee was employed (if known).
7. Post held by the employee with Ticket or Serial No. if any (if known)
8. Date of appointment of the employee (if known)

9. Date and cause of termination of service of the employee. (Superannuation / retirement / resignation / disablement/death.)
10. Total period of service by the employee.
11. Wages last drawn by the employee.
12. If the employee is dead, date and cause thereof.
13. Evidence/witness in support of death of the employee.
14. If a nominee, no. and date of recording of nomination with the employer.
15. Evidence/witness in support of being a legal heir, if a legal heir.
16. Total gratuity payable to the employee (if known).
17. Percentage of gratuity payable to the applicant as a nominee/legal heir.
18. Amount of gratuity claimed by the applicant.

Place :

Signature of the applicant/Thumb
impression of the applicant

Date :

प्रपत्र-आठ

(Notice Book of the Accidents)

(See rule 35)

Name of the Establishment.....

Nature of Business

Date of opening.....

Registration no. (if any)-.....

Name of the employer/occupier.....

Date of accident	Short detail of Accident	Name of the injured person	Whether accident result in death	Whether accident result in total disablement	Whether accident result in partial disablement	Whether accident result in Temporary disablement	Amount of Compensation paid to employee or his dependent	Amount of Compensation deposited to Competent Authority	Date of payment or deposit of Compensation
1	2	3	4	5	6	7	8	9	10

प्रपत्र-नौ

(See Rule 37)

Statement of Fatal Accidents

To ,

Competent Authority,

.....

Sir,

1. I have the honour to submit the following statement of an accident which occurred in (date), at (here enter details of premises) and which resulted in the death of the employee/employees of whom particulars are given in the statement annexed.
2. The circumstances relating to the death of the employee/employees were as under: -
 - (a) Time of accident.
 - (b) Place where the accident occurred.
 - (c) Manner in which deceased was/were employed at the time.
 - (d) Cause of the accident.
 - (e) Any other relevant particulars.
3. I am responsible for payment of compensation
4. Details of employee
 - (a) Name of the employee
 - (b) Age of the employee
 - (c) Wages of the employee
5. The establishment is not responsible for payment of compensation due to reasons mentioned below.....
.....

(Signature and designation of
person making the statement)

प्रपत्र-दस

(See Rule 38)

Memorandum of Agreement

It is hereby submitted that on the day of 20..... personal injury was caused to residing at by accident arising out of and in the course of his employment in The said injury has resulted in permanent disablement to the said workman of the following nature, namely:-

The said employee's monthly wages are estimated at Rs. The employee is over the age of 15 years will reach the age of 15 years on

The said employee has, prior to the date of the agreement, received the following payments, namely: --

Rs. on Rs. on
 Rs. on Rs. on
 Rs. on Rs. on

It is further submitted that the employer of the said employee has agreed to pay, and the said employee has agreed to accept, the sum of Rs. in full settlement of all and every claim under the Code on Social Security, 2020 in receipt of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated20.....

Signature of employer

Witness
 Witness

Signature of employee

Note- Application to register an agreement can be presented under signature of one party: provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs..... Dated20....

Employee

The money has been paid and this receipt signed in my presence.

Witness

Note- This form may be varied to suit special cases, e.g. injury by occupational disease, agreement when employee is under legal disability, etc.

प्रपत्र-दस-क

(See Rule 48)

Memorandum of Agreement

It is hereby submitted that on the day of 20 personal injury was caused to residing at by accident arising out of said in the course of employment in The said injury has resulted in temporary disablement to the said employee, who is at present in receipt of wages amounting to Rs..... per month/no wages.

The said employee's monthly wages prior to the accident are estimated at Rs. The employee is subject to a legal disability by reason of.

It is further submitted that the employer of the employee has agreed to pay and on behalf of the said employee has agreed to accept half-monthly payments at the rate of Rs. for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with provisions of the said Act on account of an alteration in the earnings of the said employee during disablement. It is further stipulated that all rights of commutation under Section 7 of the said Act are unaffected by this agreement it is therefore requested that this memorandum be duly recorded.

Dated 20.... .

Signature of employer

Witness

Signature of employee

Witness

Note- An application to register and agreement can be presented under the signature of one party: provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.

Employee

Dated20 .

The money has been paid and this receipt signed in my presence.

Note- This form may be varied to suit special cases, e.g., injury by occupational disease, etc.

प्रपत्र-दस-ख

(See Rule 38)

Memorandum of Agreement

It is hereby submitted that on the day of 20..... personal injury was caused to residing at by accident arising out of and in the course of his employment in The said injury has resulted in death to the said workman.

The said employee's monthly wages are estimated at Rs. The employee is over the age of 15 years will reach the age of 15 years on

The said employee has, prior to the date of the agreement, received the following payments, namely: --

Rs. on Rs. on
 Rs. on Rs. on
 Rs. on Rs. on

It is further submitted that the employer of the said employee has agreed to pay, and dependent(s) of the said employee has agreed to accept, the sum of Rs. in full settlement of all and every claim under the Code on Social Security, 2020 in receipt of death stated above. It is therefore requested that this memorandum be duly recorded.

Dated20..... .

Signature of employer

Witness

Witness

Signature of dependant(s)

Note- Application to register an agreement can be presented under signature of one party: provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs..... Dated20.....

Dependant(s)

The money has been paid and this receipt signed in my presence.

Witness

प्रपत्र—ग्यारह

[See Rule 39(1)]

Whereas an agreement to pay compensation is said to have been reached between and and whereas has/have applied for registration of the agreement under Section 28 of the Code of Social Security, 2020 notice is hereby given that said agreement will be taken into consideration on 20 and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections it is my intention to proceed to the registration of the agreement.

Dated20

Competent Authority

प्रपत्र-बारह

(See Rule 40)

Register of Agreement for year 20.....

Sl.No.	Date of agreement	Date of registration	Employer	Employee	Initial of Competent Authority	Reference to orders rectifying the register

प्रपत्र-तेरह

[See rule-54(1)]

NOTICE FOR UNDER SUB-SECTION (1) OF SECTION 56 FOR COMPOSITION OF OFFENCE

To,

.....,
.....
.....

- (1) Your establishment has been inspected by Inspector-cum-Facilitator on of of 20.....
- (2) In the said inspection you have been found violating Section..... of the Code.
- (3) As per provisions of sub-section (1) of Section 56 *read* with Sub-Rule (1) of Rule 38, you are hereby given notice to the effect that if you are willing to apply for composition of offence, you may apply for composition by submitting the application in Form VI-A along with deposit of Rupees /- through treasury challan or electronically on the departmental portal of Labour Commissioner. The details of which are given below.-

(i) Treasury Head

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Or

- (ii) Flow chart of electronic payment.-.....
.....
.....
.....

(Signature)

Name and designation
of the Officer.....

प्रपत्र-चौदह

[See rule-54(2)]

APPLICATION UNDER SUB-SECTION (1) OF SECTION 56 FOR COMPOSITION OF OFFENCE

To,

.....

Kindly refer to your notice no. dated I/we hereby applying for composition of Offence and I have deposited Rs...../- as the amount of Composition by depositing through Treasury Challan or electronically through the portal of Labour Commissioner on/...../..... (dd/mm/year).

So please accept my application and close the proceeding under the Code.

Dated:

Enclosure: The Treasury Challan/Payment receipt of electronic Payment.

(Signature)

Name of the Applicant

- (1) Name of the establishment:.....
 (2) Address of Establishment :.....

प्रपत्र-पन्द्रह

[See Rule 56(3)(b)]**Form for Reporting Vacancies to Career Centres**

(Separate forms to be used for each type of posts)

1	Particulars of the employer: Name: Address with pin code: Telephone No. : Mobile No.: E-mail address : Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc.) Registration No. of establishment under Code: Economic activity details:	
2.	Particulars of the indenting Officer: Name: Designation: Telephone No.: Mobile No.: E-mail address :	
3.	Particulars of vacancy (ies): (a) Designation/nomenclature of the vacancy (ies) to be filled (b) Description of duties of the post (job role/ functional role)	
	(c) Qualifications/Skills required (educational, technical, experience)	Essential Desirable/Preferable
	(i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience	
	(d) Age Limits, if any (Age as on last date of application)	
	(e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc.) if any	
	(f) duration of employment (i) 3-6 months (ii) 6-12 months (iii) 12 months and more	Number of posts
4.	Whether there is any obligation for arrangement for giving reservation/ preference to any category of persons such as Scheduled Caste(SC), Scheduled Tribe(ST), Economically Weaker Sections(EWS), Other Backward Classes(OBC), Ex-serviceman and persons with disabilities (pwd) , etc. in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)	

5.	Category	Number of vacancies to be filled	
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others(specify)	Total	*By Priority candidates *(Applicable for Central Government vacancies)
6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any For others: Mention minimum total emoluments per month with other details, if any.		
7.	Place of work (Name of the town/village and district, pin code ,etc. in which it is situated)		
8.	Mode of Application(email, online, in writing, etc.) and Last date for receipt of applications.		
9.	Particulars of officer to whom the applications be sent/candidates should approach (Mention Name, designation, e-mail id, address , telephone No., website address in case of online)		
10.	Mode of Recruitment {Through Career Centre, Placement Agency , self- management, any other mode(specify) }		
11.	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No	
12.	Any other relevant information		
13.	Name, address, email id of the Career Centre		
14.	Date of receipt of Vacancies		
15.	NIC Code of the establishment/		
16.	NCO Code of the post		
17.	Unique Vacancy ID(number)		

Signature, Name& Designation of
Authorised Signatory of Career Centre
with seal & date

NOTE:

1. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through e-mail or digitally or through any other such media immediately but in any case not later than 3 working days from the date of receipt of reporting of vacancies.
2. An employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode, may invariably quote that unique vacancy reporting number in that advertisement or recruitment process.
3. Any change in the particulars already furnished to the Career Centre, shall be reported in writing or through valid official email or digitally(including through a portal) as the case may be, to the appropriate Career Centre.

प्रपत्र-सोलह

[See Rule 56(6)]

Form EIR (Employment Information Return)**Yearly Return to be Submitted to the Career Centre (Regional) for the Year ended.....**

The following information is required to be submitted under the Code on Social Security (Chapter XIII – Employment Information & Monitoring) 2020.

Name & Address of the Employer				
Whether – Head Office				
Branch Office Type of Establishment (Public /Private Sector)				
Nature of business/Principal activity				
Establishment Registration No. under the Code				
1. (a) EMPLOYMENT				
Total number of <i>manpower of establishment</i> including working <i>proprietors/partners//contingent</i> paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is <i>paid</i>).				
Category	On the last working day of the previous Year	On the last working day of the Year under report		
MEN WOMEN Other (Transgender) TOTAL : PWD (persons with disabilities) out of above total				
2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year				
Occurred	Reported		Filled	Source(Career Centre/ NCS Portal/ Govt. Recruiting agencies/ Private Placement Organisations /others)
	Career Centre (Regional)	Career Centre (Central)		
1	2	3	4	5

*As per provisions of Code on Social Security, 2020(Chapter XIII) and Rules made there under,

3. MANPOWER SHORTAGES:

Vacancies/posts remained unfilled because of shortage of suitable applicants.

Name of the occupation or designation of the post	Number of unfilled vacancies/posts		
	Skill/ qualifications (educational / technical/ experience) prescribed	Essential	Desirable
1	2	3	4

(Please list any other occupations also for which this establishment had any difficulty in obtaining suitable applicants recently.)

4. Estimated Manpower Requirement by Occupational Classification during the next calendar year
(Please give below the number of employees in each occupation separately).

Occupation	Number of employees				
	Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/ expansion or-organisation.				
Description	Men	Women	Others (trans- gender)	Total	PWD (persons with disabilities) out of total
1	2	3	4	5	6
*					
Total :					

* In the column (description) -Use exact terms such as Engineer (Mechanical), Assistant Director (Metallurgist); Research Officer (Economist); Supervisor (Tailoring), Inspector (Sanitary), Superintendent (Office), Manager (Sales), Manager (Accounts), Executive (Marketing), Data Entry Operator soon.

Signature, Name & Designation of

Authorised Signatory of establishment/
employer with seal & date

To,

The Career Centre,

.....

Note:- 1. This return is to be rendered to the Career Centre (Regional) within 30 days after the end of the *financial year* concerned by establishments/employers *vide* their obligation under the Code on Social Security, 2020 (Chapter XIII-Employment Information and Monitoring).

2. The main purpose in obtaining the information from employers is to know (i) the vacancies/employment opportunities available; (ii) type of personnel who are in short supply; and (iii) future job opportunities for providing vocational guidance to the jobseekers and connecting them with the employers. This is helpful in ascertaining the skill needs also. Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirements.

प्रपत्र-सत्रह

[See Rule 57 (C)]

Serial No.

Name of the Employee

Department

Father's Name

Serial No. in the register of Employee

Date of amount of payment made in lieu
of leave due

Date of entry into service

Name of Establishment.....

No. of days worked during the calendar year						Leave of Credit											
Calendar year of Service	Wages paid fromto.....	Wages earned during the wage period	No. of days performed	No. of days of lay-off	No. of days of maternity leave	No. of leave enjoyed	Total of Columns 4 to 7	Balance of leave from proceeding year	Leave earned during the year mentioned in Column 1	Total of Columns 9 and 10	Whether leave in accordance with scheme under Code refused	Leave enjoyed from to.....	Balance of leave to credit	Normal rate of wages	Cash equivalent of advantage accruing through concessional sale of food grains and other particulars	Rate of wages for the leave period (Total of column 15 and 16)	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Note -Separate page will be allotted to each worker.																	

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of notification no. 1560 /XXXVI-3-2020-104(Sa)-2020 dated March 3, 2021:

No. 1560 /XXXVI-3-2020-104(Sa)/2020

Dated, Lucknow March 3, 2021

The following draft rules which the Governor proposes to make in exercise of the powers under sub-section (1) of sections 154 and 156 of the Code on Social Security, 2020 (Act no. 36 of 2020) read with section 24 of the Uttar Pradesh General Clauses Act, 1904 (Act no.1 of 1904) and in supersession of :-

- (i) The Uttar Pradesh Workmen's Compensation Rules, 1975;
- (ii) The Uttar Pradesh Workmen's Compensation (Occupational Diseases) Rules, 1964;
- (iii) The Uttar Pradesh Maternity Benefit Rules, 1983;
- (iv) The Uttar Pradesh Payment of Gratuity Rules, 1975;
- (v) The Uttar Pradesh Building and Other Construction (Regulation of Employment and Conditions of Service) Rules, 2009; and
- (vi) The Uttar Pradesh Unorganized Workers Social Security Rules, 2016;

made by the Governor in exercise of the powers conferred by the Employees Compensation Act, 1923 (Act no. 8 of 1923), the Maternity Benefit Act, 1961 (Act no. 53 of 1961), the Payment of Gratuity Act, 1972 (Act no. 39 of 1972), the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 (Act no. 27 of 1996), and the Unorganized Workers' Social Security Act, 2008 (Act no. 33 of 2008), as the case may be, are hereby published as required under sub-section (1) of section 154 and sub-section (1) of section 156 of the Code on Social Security, 2020 for information of all concerned and with a view to invite objections and suggestions in respect thereof ;

All objections and suggestions with respect to said rules should be sent in duplicate addressed to Apar Mukhya Sachiv, Shram Anubhag-3, Uttar Pradesh Shasan, Bapu Bhawan, Lucknow-226001 /Labour Commissioner Office, G.T. Road, Kanpur. Only those objections and suggestions which are received within forty-five days from the date of publication of the notification shall be taken into consideration.

DRAFT RULES

Uttar Pradesh Code on Social Security Rules, 2021

Chapter- I

Introductory

1. (1) These rules may be called the Uttar Pradesh Code on Social Security Rules, 2021. Short title, extent and commencement
- (2) They extend to whole of Uttar Pradesh.
- (3) They shall come into force on the date of their publication in the Official Gazette.
2. (1) In these rules, unless the context otherwise requires,- Definitions
 - (a) "Code" means the Code on Social Security, 2020 (Act no. 36 of 2020);
 - (b) "Section" means the Section of the Code;
- (2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

Chapter- II

Social Security Organization

PART - I

Uttar Pradesh Unorganized Workers Social Security Board

3. The manner for nomination of the Members of the Board under section 6 of the Code shall be as follows :- Manner for nomination of the Members of the Members of Uttar Pradesh Unorganized Worker Board under sub-section (12) of section-6
 - (1) Seven members representing unorganized workers, to be nominated from the panel of 14 given by approved federations of Trade Unions or any recognized umbrella Trade Union of unorganized worker;
 - (2) Seven members representing employer of unorganized worker:-
 - (i) four to be nominated from Industry Associations,
 - (ii) two from State Level Traders Organizations, and
 - (iii) one from Registered Contractors,
 - (3) Two elected members of State Legislative Assembly;

- (4) Five members representing eminent persons from Civil Societies:-
- (i) one person from the field of Law,
 - (ii) one person from eminent economist/sociologist with a proven record of working in the field of unorganized workers,
 - (iii) two person from among Non-Government Organization with a proven record of working in the field of unorganized workers of whom at least one should be from the field of domestic unorganized workers, and
 - (iv) one person from the field of Finance with experience of at least five years :

Provided that adequate representation shall be given to persons belonging to Scheduled castes, Scheduled tribes, Minorities and Women.

- (5) Ten Members representing State government Departments concerned:-
- (i) the Additional Chief Secretary/Principal Secretary/ Secretary of Social Welfare or his nominee (not below the rank of Joint Secretary),
 - (ii) the Additional Chief Secretary/Principal Secretary/ Secretary of Medical and Health or his nominee (not below the rank of Joint Secretary),
 - (iii) the Additional Chief Secretary/Principal Secretary/ Secretary of Urban Development or his nominee (not below the rank of Joint Secretary),
 - (iv) the Additional Chief Secretary/Principal Secretary/ Secretary of Housing or his nominee (not below the rank of Joint Secretary),
 - (v) the Additional Chief Secretary/Principal Secretary/ Secretary of Panchayati Raj or his nominee (not below the rank of Joint Secretary),
 - (vi) the Additional Chief Secretary/Principal Secretary/ Secretary of Finance or his nominee (not below the rank of Joint Secretary),
 - (vii) the Additional Chief Secretary/Principal Secretary/ Secretary of Primary Education or his nominee (not below the rank of Joint Secretary),
 - (viii) the Additional Chief Secretary/Principal Secretary/ Secretary of Vocational Education and training or his nominee(not below the rank of Joint Secretary),
 - (ix) the Additional Chief Secretary/Principal Secretary/ Secretary of Rural Development or his nominee (not below the rank of Joint Secretary), and
 - (x) the Labour Commissioner, Uttar Pradesh-Member Secretary.

Term of the
office

4. (1) The term of Board shall be three years from the date of its constitution, but it shall continue till the reconstitution and its decision shall not be deemed invalid on the ground that term of the Board has been expired .

(2) The term of the members of the Board shall be co-existing with the term of the Board.

(3) Members nominated under sub-clause (iii) of clause (d) of sub-section (10) of section 6 of the Code shall cease to be member of the Board when they cease to be elected member of the State Legislative Assembly.

(4) The non-official members of the Board shall hold office at the pleasure of the Government of Uttar Pradesh.

(5) The members nominated under sub-clause (i), (ii) and (iv) of clause (d) of sub-section-(10) of section 6 of the Code shall be removed from the Board if they cease to represent the interest for which they were nominated.

(6) All nominated members shall not be eligible for renomination for more than two terms.

Resignation

5. Any non-official member may resign by a letter addressed to the Government of Uttar Pradesh. The seat of such member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation whichever is earlier.

Change of
Address

6. If any change occurs in the address of nominated members, the same shall be communicated in writing within fifteen days to the Member Secretary of the Board who shall make a record accordingly.

7. When a Vacancy occurs for any reason or is likely to occur in the membership of the Board, the Member Secretary shall submit a report to the State Government who shall take steps to fill the vacancy from amongst the category of persons, to which the person vacating membership belongs and the person so nominated shall hold office for the remainder of the term of the office of the member in whose place he is appointed.	Filling of the Vacancies
8(1) The Board shall meet at such places and at such times as may be decided by the Chairperson.	Meetings of the Board
(2) The Board shall meet atleast once in three months.	
(3) In case of any matter of urgency, special meetings may be called by the Chairperson after informing the members in advance about the subject-matter of discussion and the reasons of urgency.	
(4) In case of any matter of urgency, meeting by circulation or by other mode may be held.	
(5) The Chairperson shall preside over every meeting of the Board in which he is present and in his absence the meeting of the Board shall be chaired by the Vice-Chairperson.	
9(1) Ordinarily, fifteen days notice shall be given to the members of the Board of a proposed meeting:	Notice of meeting and list of business
Provided that the Chairperson, if he is satisfied that it is expedient so to do, may give notice of shorter period.	
(2) No business except which is included in the list of business for a meeting of the Board shall be considered at the meeting without the permission of the Chairperson.	
10. (1) Every matter which the Board is required to take into consideration shall be considered at a meeting of the Board, or if the Chairperson so directs, by sending the necessary papers to every member for opinion, the matter shall be disposed of in accordance with the decision of the majority:	Disposal of the Business
Provided that where there is no opinion of majority on a matter and the members of the Board are equally divided, the Chairperson shall have a second or a casting vote.	
(2) Every decision taken at the meeting of the Board shall be recorded in writing.	
11. Non-Official Members of the Board shall be paid travelling allowance and daily allowance for attending meetings of the Board at such rates as are admissible to lowest of Group "A" Officer of the State Government.	Allowances of Members
12. (1) No business shall be transacted at any meeting of the Board unless at least ten members are present in that meeting:	Quorum
Provided that if at a meeting, less than ten members are present, the Chairperson may adjourn the meeting to another date informing the members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.	
(2) The Chairperson may debar any member, other than <i>ex-officio</i> members, from taking part in the meeting of the Board if-	
(a) he absents himself from three consecutive meetings of the Board without written information to and consent of the Chairperson, or	
(b) in the view of the Chairperson, such member has ceased to represent the interest which he purports to represent on the Board.	
13. (1) The State Government shall initiate the process for reconstitution of the Board, six months prior to the expiry of the term of the Board.	Reconstitution of the Board
(2) If the new Board is not reconstituted after completion of the term of the Board or due to any other reason, the administration of the Board may be taken up by the State Government for the period till the new Board is constituted, by way of a notification in this behalf.	
(3) The decision taken by the State Government under sub-rule (2) shall have the same effect as if it has been carried out by the Board itself.	

Headquarter of the Board	14. The headquarter of the Board shall be at the place as may be notified by the State Government.
Constitution of Fund under clause (ii) of sub-section (5) of section 141	15. In addition to source of fund mentioned in clause (i) of sub-section (5) of section 141, the amount received from the following sources shall be credited to the Fund which shall be called as Uttar Pradesh Social Security Fund:- (i) lump sum amount given by the State Government for the establishment of the fund, (ii) the amount of grant given by the Government of India, the State Government and other authorities and statutory bodies, (iii) amount received for registration/renewal of beneficiaries and their contribution, (iv) amount received for implementation of the scheme notified by the Government of India, (v) amount received for implementation of the scheme notified by the State Government, and (vi) contribution or donation or any other financial support from employer, their association or from Corporate Social Responsibility (CSR) Fund as determined by the State Government by general or special order.
Administration of the Uttar Pradesh Social Security Fund	16. (1) All the fund received under clauses (i) and (ii) of sub- section (5) of section 141 shall be kept in a separate Bank Account in a Scheduled Bank. (2) The Fund shall be administered and transacted by the Board. (3) The Bank Account of the Fund shall be operated in such a manner as determined by the State Government by general or special order. (4) The fund of the Social Security Board shall be utilized/expended for the implementation of the welfare schemes for unorganized workers of the State and Central Government and for meeting out administrative expenses of the Board. The administrative expenses of the Board shall not be more than ten percent of the total expenditure on schemes. (5) The accounts of the Fund shall be audited in accordance with the instructions issued by the State Government from time to time.

PART- II

Uttar Pradesh Building and Others Construction Workers Welfare Board

Composition of Board	17. (1) The State Government shall nominate Chairperson and fifteen members in Uttar Pradesh Building and Other Construction Workers Welfare Board in which there shall be five representatives of departments of State Governments, five representatives of building workers and five representatives of employers of building workers. There shall be atleast one woman member. (2) The representatives of departments of State Government shall be an Officer not below the rank of Special Secretary from Housing Department, Finance Department, Public Works Department, Social Welfare Department and Basic Education Department.
Term	18. (1) The term of the Board shall be three years from the date of its constitution, but it shall continue till the reconstitution and its decision shall not be deemed invalid on the ground that term of the Board has expired . (2) The term of the members of the Board shall be co-existing with the term of the Board. (3) The non-official members of the Board shall hold office at the pleasure of the State Government. (4) The Members nominated under sub-clause (i), (ii) and (iv) of clause (d) of sub-section (10) of section 6 shall be removed from the Board if they cease to represent the interest for which the were nominated. (5) All nominated members shall be eligible for re-nomination for one more term.

19. When a vacancy occurs for any reason or is likely to occur in the membership of the Board, the Member Secretary shall submit a report to the State Government who shall take steps to fill the vacancy from amongst the category of persons, to which the person vacating membership belongs and the person so nominated shall hold office for the remainder of the term of the office of the member in whose place he is appointed.

Manner of filling of vacancies

20. (1) Non official members shall be entitled for travelling allowance and daily allowance at the rate admissible to lowest rank of group "A" officers of State Government.

Salary and allowances to Chairperson and non-official members

(2) Salary and allowances to the Chairperson of the Board shall be fixed by the State Government by general or special order.

21(1) The Board, with the prior approval of State Government, shall appoint a person not below the rank of Deputy Labour Commissioner as a Secretary of the Board.

Conditions of appointment, salary and allowances of secretary and other officers and staff of the Board

(2) The Board, with the prior approval of State Government, shall appoint other staff for disposal of functions of the Board.

(3) Secretary of the Board, other officers and staff shall be appointed in the manner determined by State Government by general or special order and they shall be paid an allowances fixed by the State Government.

22. (1) The Board with the prior approval of State Government shall notify social security scheme and welfare measures prescribed in clauses (a) to (f) of sub-section (6) of section 7.

Social security schemes and welfare measures under sub-section (6) of section 7

(2) The Board shall formulate social security schemes and welfare measures in which eligibility limit, rate of various benefits, application form and procedure and the competent authority for sanction of benefit and manner of payment and other incidental matters shall also be determined by the Board and thereafter it shall forward the same to the State Government for approval.

Chapter-III

Employees Insurance Court

23.(1) An Employees Insurance Court shall ordinarily consist of one Judge :
Provided that State Government may after consultation with the ESI Corporation, by notification in the Official Gazette appoint two or more Judges to a Court for any particular proceeding or clause of proceeding and for such period as may be specified in the notification.

Composition of Employees Insurance Court and place of sitting

(2) The said Court shall sit at such place or places and at such time as the State Government may after consultation with the ESI Corporation, from time to time specify.

(3) The Employees Insurance Court shall be subject to the administrative control and superintendence of the High Court and shall keep such registers, books, accounts and documents as the High Court may, from time to time prescribe.

24(1) An application under section 49 shall be presented in triplicate in **Form I** and shall contain the following particulars:-

Procedure for filing an application in the Employees Insurance Court

(a) the name of the Court in which application is brought;

(b) full name and description including age, occupation and full postal address of applicant and the opposite party;

(c) where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and full postal address of his or her guardian, next-of-kin, or any other person authorized to act on his or her behalf;

(d) the fact constituting the cause of action and the date when it arose;

(e) The facts showing that court has jurisdiction;

(f) the relief which the applicant claims.

(2) Every application shall be verified in the same manner as a pleading in a Civil Court.

(3) All the documents on which the application is based shall be appended to the application with an accurate list thereof.

(4) All applications shall be entered in a register, in the manner as prescribed in **Form II**, to be maintained by the Court.

Proceeding of
Employees
Insurance Court

25 (1) Every application to the Court shall be brought within twelve months of the date on which the cause of action arose or when the claim become due, as the case may be :

Provided that the Court may entertain an application made after the said period of six months if it is satisfied that applicant has sufficient reason for not making the application within the said period.

(2) Where at any stage it appears to the Court that the application should be presented to another Court, or should be entertain by the another Court, the first mention Court shall send the application or file of the case to the Court empowered to deal with it and shall inform the applicant and the opposite party accordingly and the Court to which application for file is transferred shall continue the proceedings as if the previous proceedings or any part of it had taken place before it.

(3) The Court shall follow the rules of Code of Civil Procedure, 1908 (Act no. 5 of 1908) in respect of summoning of the parties, service of summon, procedure of hearing, framing of issues, statement and production of evidence, method of recording evidence, cross examination of witness and other related matters.

Fees and Costs

26(1) The fee payable on an application in respect of any matter referred to in section 49 of the Code shall be Rs. 100/- .

(2) The fee and costs payable in respect of any other matters shall be such as prescribed by High Court for subordinate courts.

(3) All fees and costs referred to in this rule shall be collected by means of Court fee stamps.

Chapter-IV Gratuity

Nomination under
sub-section (1) of
section 55

27(1) A nomination shall be made in the manner prescribed in **Form III** and be submitted in duplicate by the employee by personal service or registered post within one month from the date when he completes one year of continuous service :

Provided that in case of fixed term employee, the nomination shall be submitted within one month from the date he joins the service :

Provided further that the nomination shall be accepted by the employer after the said period if the same is supported by reasonable grounds for delay, and no nomination so accepted shall be invalid merely on the ground that it was filed after the specified period.

(2) Within thirty days of receipt of the nomination as mentioned above, the employer shall get the service particulars of the employee as mentioned in the Form of the nomination, verified with reference to the record of the establishment and return the duplicate copy of the nomination form duly attested either by employer or an officer authorized in this behalf to employee and shall keep the other copy for record.

(3) An employee, who has no family at the time of making a nomination shall within ninety days of acquiring a family submit in the manner specified in sub-rule(1), a fresh nomination as required under sub-section (4) of section 55, in duplicate in **Form IV** to the employer and thereafter provision of sub-rule(2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

(4) A notice of modification of a nomination including cases where a nominee pre deceases an employee shall be submitted in duplicate in **Form V** to the employer specified in sub-rule(1) and thereafter provision of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

(5) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the employee, or if the employee is illiterate, the said nomination shall bear his thumb-impression in the presence of two witnesses who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be.

(6) A nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

28(1) An employee or his nominee or his heirs who are eligible for payment of gratuity under the Code or any person authorized, in writing, to act on his behalf, shall apply, for gratuity personally or by registered post or electronically or otherwise, ordinarily within thirty days from the date on which the gratuity became payable, in **Form VI or Form VI-A or Form VI-B** respectively to the employer:

Application for gratuity under section 56

Provided that an application in plain paper with relevant particulars shall also be accepted. The employer may obtain such other particulars as may be deemed necessary by him:

Provided further that where the date of superannuation or retirement of an employee is known, the employee may apply to the employer before thirty days of the date of superannuation or retirement.

(2) An application for payment of gratuity filed after the expiry of the period specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the Competent Authority for his decision.

29(1) The person to be appointed as the Competent Authority for the purpose of this Chapter shall be a gazetted officer not below the rank of Assistant Labour Commissioner having educational qualification as determined for the post by the State Government.

Qualification and experience for Competent Authority

(2) A person to be appointed as Competent Authority for the purpose of this Chapter shall have experience of at least one year of service on the post of Assistant Labour Commissioner:

Provided that a person who has worked as conciliation officer for one year need not possess the above mentioned experience for appointment as Competent Authority.

30(1) Where there is a dispute with regard to any matter or matters specified in clause (a) of sub-section (5) of section 56, the employer or employee or any other person raising the dispute may make an application to the Competent Authority in **Form VII** within one year from the date on which the gratuity becomes due:

Application to Competent Authority for direction under clause (b) of sub-section (5) of section 56

Provided that the Competent Authority may entertain the application even after one year if he is satisfied with the reason given by applicant.

(2) The application shall be accompanied by such documents as are necessary to be filed as evidence by the applicant.

(3) Application for claim of gratuity may be submitted personally or by registered post/speed post or such other medium as fixed by State Government.

(4) Application shall also be accompanied with envelope with stamp for registered post in proportion of number of opposite parties.

(5) If the Competent Authority is *prima-facie* satisfied with the application for claim and if he thinks that the application shall be inquired, he may, registering the claim and fixing the date and time for inquiry, summon parties for inquiry.

(6) Any application shall not be rejected merely on the ground that it is not on the prescribed Form.

31. The Competent Authority shall summon the parties for inquiry on the application received and shall provide reasonable opportunity of hearing and shall provide opportunity to produce documents and evidences to parties according to necessity.

Procedure of inquiry of every application under clause (b) of sub-section(5) of section 56

CHAPTER- V MATERNITY BENEFIT ACT

32. A person aggrieved by the order of Inspector-cum-Facilitator under sub-section (2) of section 72 may appeal to Regional Additional/Deputy Labour Commissioner of the State Government.

Appellate Authority

CHAPTER- VI
EMPLOYEE'S COMPENSATION
PART-I

Payment of funeral expenses

33. If the injury of employee results in death, the employer shall in addition to the compensation to be deposited under the Code with Competent Authority, pay a sum of fifteen thousand rupees to the eldest surviving dependent of the employee towards the expenditure of the funeral of such employee, or where the employee does not have dependents or was not living with his dependent at the time of his death, then in such a case the said payment towards funeral expenses shall be made to the person who actually incurred such expenditure :

Provided that if the Central Government by notification enhances the amount specified in sub-section (7) of section 76, the amount to be deposited under this rule shall be automatically enhanced.

Application for review of half monthly payments without medical certificate under sub-section (1) of section 79

34. Application for review of half-monthly payment under sub-section (1) of section 79 may be made without being accompanied by a medical certificate ;

(a) by the employer on the ground that since the right to compensation was determined, the employee's wages have increased;

(b) by the employee on the ground that since the right to compensation was determined, his wages have diminished;

(c) by the employee on the ground that the employer, having commenced to pay compensation, has ceased to pay the same not with standing the fact that there has been no change in the employee's condition as such to warrant such cessation;

(d) either by the employer or by the employee on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means; or

(e) either by the employer or by the employee on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

Notice book

35. Every employer to which the Code applies shall maintain a notice book in accordance with sub-section (4) of section 82 in **Form-VIII**.

Restrictions on number of medical examinations.

36. An employee who is in receipt of a half monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident or more than once in any subsequent month.

Statement of Fatal Accidents.

37. The Statement required by sub section (1) of section 88 shall be in **Form IX**.

Form of memorandum.

38. Memoranda of agreement sent to the Competent Authority under sub-section (1) of section 89 shall unless the Competent Authority otherwise directs, be in duplicate, and shall be in as close conformity with, as the circumstances of the case admit, **Form X** or **Form X-A** or **Form X-B**, as the case may be.

Procedure for record or refusal to record memorandum-

39(1) On receiving a memorandum of agreement, the Competent Authority shall, for taking decision to record memorandum or refusing to record, issue notice to the parties to agreement in **Form XI** fixing the date and place of hearing and that in default of objections he proposes to record the memorandum on the date so fixed. The notice under this sub-rule may be sent personally or through registered post/speed post or electronically :

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed, the Competent Authority, after hearing the parties to agreement shall take decision to record or refuse to record the memorandum:

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Competent Authority from refusing to record the memorandum on the date so fixed even if no objection is made by any party concerned.

(3) If on such date, the Competent Authority decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons thereof and if any party desiring the memorandum to be recorded is not present, he shall send the said information to that party.

40. In recording a memorandum of agreement, the Competent Authority shall cause the same to be entered in a register in **Form XII** and shall cause an endorsement to be entered under his signature on a copy of a memorandum to be retained by him in the following terms, namely, -

Registration of memorandum accepted for record.

“The memorandum of agreement bearing Serial No. _____ of 20 _____ in the register has been recorded this _____ day _____ of.

(Signature)

Competent Authority.”

41(1) The person to be appointed as the Competent Authority for the purpose of this Chapter shall be a gazetted officer not below the rank of Assistant Labour Commissioner having educational qualification as determined for the post by the State Government.

Qualifications and experience for Competent Authority under sub-section (1) of section 19

(2) A person to be appointed as Competent Authority for the purpose of this Chapter shall have experience of at least three years of service on the post of Assistant Labour Commissioner :

Provided that a person who has worked as Conciliation Officer for five years need not possess the above mentioned experience for being appointed as Competent Authority.

42. When the application for relief is based upon a document, the document shall be appended to the application :

Application under sub-section (3) of section 93

Provided that with the prior permission of the Competent Authority, documents may be submitted during hearing of application.

43(1) If it appears to the Competent Authority on receiving an application that it should be presented to another Competent Authority, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and designation of the Competent Authority to whom it should be presented.

Application presented to wrong Competent Authority

(2) If at any stage of case it appears to Competent Authority that the application should be entertained by another Competent Authority, he shall send the file of that case to the Authority which has the jurisdiction, and inform about the same to applicant and other parties.

(3) The Competent Authority to whom the case has been transferred, shall continue to proceed as if the previous proceedings were done before him, if he is satisfied that it will not adversely affect the interest of parties.

44(1) The Competent Authority may, after considering the application and the result of any examination of the applicant, summarily dismiss the application, if, for reasons to be recorded, he is of the opinion that there are no sufficient grounds for proceeding thereon :

Summary dismissal of application.

Provided that dismissal of the application under sub-rule (1) shall not of itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

(2) If the application is not summarily dismissed by the Competent Authority, he shall issue notice to opposite party or parties against whom relief is sought together with copy of application and other documents appended.

45(1) The opposite party, if desires to contest the claim, may file a written statement accompanied with documents, and if no written statement has been filed, the Competent Authority shall proceed to examine him upon the claim, and shall reduce the result of examination to writing.

Submissions of Parties

(2) If the opposite party files the written statement, the applicant may file rejoinder with documents.

46(1) After considering any written statement and the result of any examination of the parties, the Competent Authority may frame issues for decision of the case, if he thinks necessary.

Framing of issues.

(2) Where the issues of law and facts are framed, and if the Authority is of the opinion that the case may be decided on issues of law, he shall proceed to hear on those issues and after decision on the issues of law, hearing on issues of facts shall be proceeded.

Diary	47. The Competent Authority shall cause to be maintained a brief diary of the proceedings on an application.
Special provision relating to trial and disposal of application under the Code Evidence.	48(1) Every application under the Code shall be tried as expeditiously as possible and endeavor shall be made to conclude the trial within six months from the date of service of notice of the application on the opposite party. (2) In the cases, where the period of six months has been expired, hearing shall be conducted day to day. 49(1) After framing of issues, the parties may submit their evidence on affidavit, on which opposite party shall have the right of cross-examination. (2) On an application made by any party to the proceedings and on deposit of fees and expenses fixed by the Competent Authority, the Competent Authority may summon any witness whose evidence, he thinks is necessary for just decision of the case. (3) The evidence of all witnesses shall be recorded in the presence of Competent Authority and shall be authenticated by his signature and seal.
Scale of fee	50. Fees relating to proceedings of the case shall be such as determined by the State Government from time to time: Provided that if in any matter the applicant, for any reason is unable to pay the fee in advance, the Competent Authority may proceed without deposit of advance fee and may direct that payment of the fee shall be due after final decision in the case.
Incidental Costs	51. (1) Any party to the dispute who desires to get certified copies of decision, decree, or other document may get the same on payment of cost at the following rate :- (a) the cost for the copies of any document of record or statement or order or decree shall be Rs. 2/- per page along with Rs. 10/- for the application for the copies; (b) the cost of service of summons or notices or expenses of witnesses or the cost payable in respect of any matter not referred before shall be such amount as may be specified in each case by the Court and such amount or any other sum of money payable under this rule shall be paid in such manner and within such time as may be specified; (c) the Court, whenever it finds either on applications of applicant or otherwise that the applicant is unable to pay the cost, may exempt the applicant from the payment of cost. (2) Any person who is not a party to dispute, may get the certified copy of decision, decree or other documents except the confidential documents, on payment of the fees prescribed in above mentioned clauses.
Procedure in connected cases.	52(1) Where two or more cases pending before a Competent Authority arise out of the same accident and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously. (2) Where action is taken under sub-rule (1) the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Competent Authority shall certify under his hand on the record of any such other case the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present, of cross examining the witnesses.
Certain provisions of Code of Civil Procedure, 1908 to apply.	53. Save as otherwise expressly provided in the Code or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908 (Act no. 5 of 1908), namely, those contained in Order V Rules 9 to 13 and 15 to 30; Order IX; Order XII Rules 3 to 10; Order XVI Rules 2 to 21; Order XVII; and Order XXIII Rules 1 and 2, shall apply to proceedings before Competent Authorities, in so far as they may be applicable thereto:

Provided that: -

(a) for the purpose of facilitating the application of the said provisions the Competent Authority may construct them with such alternations not affecting the substance as may be necessary or proper to adapt them to the matter before him;

(b) the Competent Authority may, for sufficient reasons, proceed otherwise than in accordance with the said provision, if he is satisfied that the interests of the parties will not thereby be prejudiced.

Chapter VII Offences And Penalties

54. (1) If the officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 138 (hereinafter referred to as the Compounding Officer), is of the opinion that the offence under the Code is compoundable, he shall send a notice manually or electronically to the employer in Form XIII.

Form of application for composition of offences and manner of composition of offence under section 138

(2) The employer if so desires shall make application to Compounding Officer in Form XIV manually or electronically and shall deposit the amount electronically within fifteen days from the date of receipt of notice under sub-rule (1).

(3) If the accused complies with the requirement of sub-rule (2), the Compounding Officer shall compound the offence for the amount of money deposited by the accused and if the prosecution has not been instituted against the accused, no complaint for prosecution shall be instituted against the accused.

(4) If the offence is compounded after the institution of prosecution, the Compounding Officer shall inform the authority appointed under sub-section (1) of section 85 or the competent Court in which the prosecution is pending and after receiving such intimation, the officer or Court shall discharge the accused and close the prosecution.

(5) The Compounding Officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the State Government.

Chapter VIII Employment Information and Monitoring

55(1) The State Government may establish, run and maintain Career Centre or modify and declare its already established office or employment exchange or both or a portal or authorize any other such centre as Career Centre by notification. Until such a notification is issued, the existing local Employment Exchanges would function as Career Centres (Regional).

Manner of establishment and maintenance of Career Centre and the Career Services under clause (9) of section 2

(2) The State Government may also enter into an agreement with any institution, local authority, local body or private body for running a Career Centre.

(3) The Career Centres established under sub-rules (1) and (2) above shall *inter-alia* perform the following functions namely:

(a) collection and furnishing of information, either by the keeping of registers or otherwise, manually, digitally, virtually or through any other mode; relating to:

- (i) persons who seek to employ employees;
- (ii) persons who seek employment;
- (iii) occurrence of vacancies; and
- (iv) persons who seek vocational guidance and career counseling or guidance to start self-employment;
- (b) providing career counseling & vocational guidance;
- (c) organizing job-fairs and job drives;
- (d) employment related surveys and studies;
- (e) employability enhancement activities; and
- (f) other services as may be decided by the appropriate Government from time to time.

Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned Career Centre under sub-section (2) of section 139

56(1) Reporting of Vacancies to Career Centres:

(a) After the commencement of this Code in the State or any area thereof, the employer in **every establishment in public sector** in the State or area thereof shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre as may be specified in the notification by the State Government.

(b) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre (Regional) from such date as may be specified in the notification by the State Government.

(c) State Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of reporting of vacancies.

Explanation:

(1) *Establishment in "public sector"* means an establishment owned, controlled or managed by -

- (i) the Government or a Department of the Government;
- (ii) a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (Act No. 18 of 2013);
- (iii) a corporation (including a co-operative society) or an autonomous organization or an authority or a body established by or under a Central or State Act, which is owned, controlled or managed by the Government; and
- (iv) a local authority.

(2) *"Establishment in private sector"* means an establishment which is not an establishment in public sector and with ordinarily 50 or more employees or such number of employees as may be notified by the Central Government.

(2) Type of vacancies and respective Career Centre for reporting of vacancies:

(a) The following vacancies, namely-

- (i) all vacancies in posts of technical and scientific nature carrying a minimum pay or pay level or both as notified by the State Government, occurring in establishments in respect of which the State Government is the appropriate Government under the Code; and
- (ii) vacancies which an employer may desire to circulate to the Career Centers outside the State shall be reported to such Career Centre (Regional) as may be specified by the State Government by notification.

(b) Vacancies which have been reported to the Career Centre (Regional) and for which recruitment is to be made on State or Inter-State or all India basis, shall also be reported to Career Centre (Central) or uploaded on a digital portal as specified by the Central Government by notification.

(3) Form and manner of reporting of vacancies:

(a) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the State Government.

(b) The vacancies shall be reported in the format given at **Form XV**, furnishing as many details as practicable, separately in respect of each type of vacancy.

(c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule(3), shall be reported in writing or through official email or digitally as the case may be, to the specified Career Centre.

(4) **Time limit in the reporting of vacancies:** Vacancies, required to be reported to the Career Centre (Regional), shall be reported at least fifteen days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.

(5) **Maintenance of records:**

(a) After commencement of this Code in the State or area thereof, the employers in every establishment in the public sector in the State or area thereof shall maintain records manually or electronically or digitally about :-

- (i) total number of employees (regular, contractual or in fixed term employment) as on 31st March of every year;
- (ii) persons recruited during the year ending on 31st March;
- (iii) occupational details of its employees on 31st March of every year;
- (iv) vacancies for which suitable candidates were not available during the year ending on 31st March; and
- (v) approximate number of vacancies likely to occur during the next financial year.

(b) State Government may by notification, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about :-

- (i) total number of employees (regular, contractual or in fixed term employment) as on 31st March of every year;
- (ii) persons recruited during the year ending on 31st March;
- (iii) occupational details of its employees on 31st March of every year;
- (iv) vacancies for which suitable candidates were not available during the year ending on 31st March; and
- (v) approximate number of vacancies likely to occur during the *next financial year*.

(6) **Submission of returns:** An employer shall furnish to the concerned Career Centre(Regional) yearly returns in Form EIR(Employment Information Return) as given at **Form-XVI**. Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the respective State Government by way of in notification, within thirty days of the due date namely 31st March of the year.

(7) **Declaration of Executive Officer:** The Director of Employment or officer of his equivalent or above rank, controlling the work of Career Centres (Regional) of the respective State Government, will declare in writing an officer looking after the work of Career Centres (Regional) as “Executive Officer” for each district for the purpose of enforcement /implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code, or authorize any person in writing to exercise those rights and perform duties.

(8) **Levy of penalty under the Chapter XIII of the Code:** The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres (Regional) of the respective State shall be the Competent Authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.

Chapter IX
MISCELLANEOUS

Forms, Registers etc.	57. Every employer to whom the Code applies shall maintain electronically or otherwise a register of employees, register of wage period, number of days and hours for which work performed by employees and deductions made from wages, register of leave wages and register of employment of employees, occupational details of employees, persons recruited during the particular period and vacancies for which suitable candidates were not available during the period in such forms as may be specified by the State Government by general or special order.
Display of Notices	58. Every employer shall display all the notices required to be displayed, conspicuously at the notice board of the establishment.
Wage Slip	59. Every employer shall issue wage slip to employees in such form as may be specified by the State Government by general or special order.
Returns	60(1) Every employer shall file returns, containing the details of dangerous occurrences, accidents, injuries in respect of which compensation has been paid by employer along with the amount of such compensation in the manner given in Form XVII electronically or otherwise. (2) Every employer shall file such returns electronically or otherwise to such officer or authority as may be fixed by State Government by general or special order.
Other powers of Inspector-cum- facilitator	61. In addition to powers in sub-section (6) of section 122, Inspector-cum-facilitator may exercise such other powers and shall perform such other duties as may be assigned by the State Government by general or special order.

By order
SURESH CHANDRA,
Apar Mukhya Sachiv.

FORM-I

[See rule 24 (1)]

In the Employees, Insurance Court

at.....

.....

.....Applicant (add description and residence)

Against

.....

.....

.....Opposite

Party(add description and residence)

Other Particulars of Application specified in rule 24

(1).....

.....

.....

.....

Signature of Applicant

Date

(verification by the applicant)

The statement of facts contained in this application is to the best of my knowledge and belief, true and correct.

.....

Signature

Date

FORM-II

Employee's Insurance Court at

Register of proceedings in the year 20.....

	1	Date of presentation of application	
	2	No of proceedings	
	3	Name	Applicant
	4	Description	
	5	Place of residence	
	6	Particulars	opposite Party
	7	Amount of value, if any	
	8	place of residence	Claim
	9	particulars	
	10	amount or value, if any	
	11	when the cause of action accrued	
	12	day of parties to appear	appearance
	13	applicant	
	14	opposite-party	
	15	date	final
	16	for whom	
	17		
	18	order	
	19	Date of Decision of appeal, if any	appeal
	20	judgment in appeal,	
	21	Date of application	executive
	22	against whom	
	23	For what, and amount of money	
	24	amount of costs	
	25	Date of order yrasferingto another vivil	
	26	other remarks if any	

FORM-III

[See sub-rule (1) of Rule 27]

Nomination

To,

(Give here name or description of the establishment with full address)

(Name in full here)

I, Shri/Shrimati/Kumari.....whose particulars are given in the statement below, hereby nominate the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name (s) of the nominee(s).

2. I, hereby certify that the person (s) mentioned is a/are member (s) of my family within the meaning of clause (h) of Section 2 of the Payment of Gratuity Act, 1972.

3. I hereby declare that I have no family within the meaning of sub-section (33) of Section 2 of the Code.

4. (a) My father/mother/parents is/are not dependent on me.

(b) My husband's father/mother/parents is/are not dependent on my husband.

NOMINEE(S)

Name in full with full address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1	2	3	4
1.			
2.			
3.			
4.			
so on			

STATEMENT

9. Name of The Employee in full
10. Sex
11. Religion
12. Whether unmarried/married/widow/widower
13. Department/branch/section where employed
14. Post held with ticket no., or serial no., if any
15. Date of appointment
16. Permanent address

Village,

Thana

, Sub-Division

Post office

District

, State

Place

Date

Signature/thumb-impression
of the employee.

Declaration by witness

Nomination signed/thumb-impressed before me

Name in full and full address

of witness

Signature of witness

1.

1.

2.

2.

Certificate by the employer

Certified that the particulars that of the above nomination have been verified and recorded in the establishment.

Employer's reference no.,

If any.

Signature of the employer/officer authorized

Designation

Date

name and the address of the establishment
or rubber stamp thereof.

Acknowledgment by the employee

Received the duplicate copy of nomination in form 'f' filed by me and duly certified by the employer .

Date

Signature of the employee.

FORM-IV

[See sub-rule (3) of Rule 27]

Fresh Nomination

To,

(Give her name or description of the establishment with full address.)

I, sri/srimati.....(name in full here) whose particulars are given in the statement below, have acquired a family within the meaning of clause (h) of section 2 of the payment of gratuity act, 1972..... with effect from the (date here)..... in the matter indicated below and therefore nominate a fresh person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable or having become payable has not been paid, direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

2. I hereby certify the person(s) nominated is a/are member(s) of my family within the meaning of clause(h) of section 2 of the said act.

3. (a) my father/mother/parents is/are not dependent on me.

(b) my husband's father/mother/parents is/are not dependent on my husband.

4. I have excluded my husband from my family by a notice, dated the to the controlling authority in terms of the proviso to clause (h) of section 2 of the said act.

NOMINEE(S)

Name in full with address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1	2	3	4

Manner of acquiring a 'family'

(here give details as to how a family was acquired, i.e. whether by marriage or parents being rendered dependent or through other process like adoption.)

STATEMENT

1. Name of The Employee
2. Sex
3. Religion
4. Whether unmarried/married/widow/widower
5. Department/branch/section where employed
6. Post held with ticket no., or serial no., if any.
7. Date of appointment
8. Permanent address

Village , Thana , Sub-Division
Post office , District , State

Place
Date

Signature/thumb-impression
of the employee.

Declaration by witnesses

Fresh nomination signed/thum-impressed before me.

Name in full and full address of witness.

Signature of witnesses

1.

1.

2.

2.

CERTIFICATE BY THE EMPLOYER

Certified that the particulars of the above nomination have been verified and recorded in this establishment.

Employer's reference no., if any.

Signature of the employer /officer authorised.

Designation .

Name and address of the establishment
or rubber stamp thereof.

Acknowledgment by the employee

Received the duplicate copy of the nomination in form 'g' filed by me on..... , duly certified by the employer.

Date

signature of the employee

FORM-V**[SEE SUB-RULE (4) OF RULE 27]
MODIFICATION OF NOMINATION**

To
(Give here name or description of the establishment with full address)

I, Shri/Shrimati/Kumari.....(Name in full here) whose particulars are given in the statement below, hereby give notice that the nomination filed by me on (date) and recorded under your reference No..... dated.....shall stand modified in the following manner. (Here give details of modifications intended)

STATEMENT

1. Name of employee in full
2. Sex
3. Religion
4. Whether unmarried/married/widow/widower
5. Department /Branch/Section where employed
6. Post held with Ticket or Serial No. if any
7. Date of appointment
8. Address in full

Place

Date

Signature/Thumb impression
of the employer

DECLARATION BY WITNESSES

Modification of nomination signed/thumb impressed before me. Name in full and full address of witnesses. Signature of witnesses

- | | |
|----|----|
| 1. | 1. |
| 2. | 2. |

Place

Date

CERTIFICATE BY THE EMPLOYER

Certified that the above modification have been recorded. Employer's Reference No., if any.

Signature of the employer/
officer authorised Designation
Name and address of the Establishment
or rubber stamp thereof.

ACKNOWLEDGMENT BY THE EMPLOYEE

Received the duplicate copy of the notice for modification in Form 'H' filed by me on.....duly certified by the employer.

Date

Note

Signature of the employee

FORM-VI

[SEE SUB-RULE (1) OF RULE 28]

APPLICATION OF GRATUITY BY AN EMPLOYEE

To,

(Give here name or description of the establishment with full address) Sir/Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 53 of Code on Social Security, 2020 on account-

of my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to diseases with effect from the.....Necessary particulars relating to my appointment in the establishment are given in the statement below:-

STATEMENT

1. Name in full
2. Address in full
3. Department /Branch/Section where last employed
4. Post held with Ticket No. or Serial No. if any
5. Date of appointment
6. Date and cause of termination of service
7. Total period of service
8. Amount of wages last drawn
9. Amount of gratuity claimed

2. I was rendered totally disabled as a result of

(Here give the details of the nature of disease or accident)

The evidence/witnesses in support of my total disablement are as follows:

(Here give details)

3. Payment may please be made in cash/open or crossed bank cheque.

4. As the amount of gratuity payable is less than rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above after deducting postal money order commission therefrom.

Yours faithfully,

Place :

Signature/Thumb impression

Date:

of the applicant employee.

FORM-VI-A

**[SEE SUB-RULE (2) OF RULE 7]
APPLICATION FOR GRATUITY BY A NOMINEE**

To ,

(Give here name or description of the establishment with full address)

Sir/Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 4 of the Payment of Gratuity Act, 1972 as a nominee of late.....(Name of the employee) who was an employee of your establishment and died on the.....The gratuity is payable on account of the death of the aforesaid employee while in service/superannuation of the aforesaid employee on.....retirement or/resignation of the aforesaid employee on.....after completion ofyears of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from.....Necessary particulars relating to my claim given in the statement below:-

STATEMENT

1. Name of applicant nominee
2. Address in full of the applicant nominee
3. Marital status of the applicant nominee (unmarried/married/widow/widower)
4. Name in full of the employee
5. Marital status of employee
6. Relationship of the nominee with employee
7. Total period of service of the employee
8. Date of appointment of the employee
9. Date and cause of termination of service of the employee
10. Department /Branch/Section where the employee last worked
11. Post last held by the employee with Ticket or Serial No. if any
12. Total wages last drawn by the employee
13. Date of death and evidence/witness as proof of death of the employee
14. Reference No. of recorded nomination, if available
15. Total gratuity claimed
16. Share of gratuity claimed

2. I declare that the particulars mentioned in the above statement are true and correct to the best of my knowledge and belief.

3. Payment may please be made in cash/crossed or open bank cheque.

4. As the amount payable is less than rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above after deducting Postal Money Order commission therefrom.

Place
Date

Yours faithfully,
Signature/Thumb impression of
the applicant employee.

FORM-VI-B

(SEE SUB-RULE (3) OF RULE 7)
APPLICATION FOR GRATUITY BY A LEGAL HEIR

To

(Give here name or description of the establishment with full address)

Sir/Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 4 of the Payment of Gratuity Act, 1972 as a legal heir of late.....[Name of the employee] who 28 The Payment of Gratuity (Central) Rules, 1972 Forms was an employee of your establishment and died on the.....without making any nomination. The gratuity is payable on account of the death of the aforesaid employee while in service/superannuation of the aforesaid employee on the..... retirement or resignation of the aforesaid employee on the..... after completion ofyears of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the.....necessary particulars relating to my claim given in the statement below:

STATEMENT

1. Name of applicant legal heir.
 2. Address in full of the applicant legal heir.
 3. Marital status of the applicant legal heir (unmarried/married/widow/widower)
 4. Name in full of the employee.
 5. Relationship of the applicant with employee.
 6. Religion of both the applicant and the employee.
 7. Date of appointment and total period of service of the employee.
 8. Department /Branch/Section where the employee worked last.
 9. Post last held by the employee with Ticket or Serial No. if any.
 10. Total wages last drawn by the employee.
 11. Date and cause of termination of service of the employee (death or otherwise).
 12. Date of death of the employee and evidence/witness in support thereof.
 13. Total gratuity payable to employee.
 14. Percentage of the gratuity claimed.
 15. Basis of the claim and evidence/witness in support thereof.
2. I declare that the particulars mentioned in the above statement are true and correct to the best of my knowledge and belief.
3. Payment may please be made in cash/crossed or open bank cheque.
4. As the amount payable is less than rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above, after deducting Postal Money Order commission therefrom.

Place
Date

Yours faithfully,
Signature/Thumb impression of
the applicant employee

FORM-VII

**[SEE SUB-RULE (I) OF RULE 10]
APPLICATION FOR DIRECTION**

Before the Competent Authority under the Code on Social Security, 2020

Application no.
Date.....

Between

[Name in full of the applicant with full address]

and

[Name in full of the employer concerned with full address]

The applicant is an employee of the above-mentioned employer / a nominee of latean employee of the above mentioned employer /a legal heir of lateand employee of the above-mentioned employer, and is entitled to payment of gratuity under section 53 of the the Code on Social Security, 2020 on account of his own/aforesaid employee's superannuation on..... (date)/his own retirement/aforesaid employee's resignation on..... [date] after completion of.....years of continuous service/his own/aforesaid employee's total disablement with effect from[date] due to accident/disease/death of the aforesaid employee on.....

2. The applicant submitted an application under ruleof the Code on Social Security, 2020 on the.....but the above-mentioned employer refused to entertain it/issued a notice dated the offering an amount of gratuity which is less than my due/issued a notice dated the rejecting my eligibility to payment of gratuity. The copy of the said notice is enclosed.

3. The applicant submits that there is a dispute on the matter.

[Specify the dispute]

4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above mentioned employer to pay the same to the petitioner.

5. The applicant declares that the particulars furnished in the annexure hereto are true and correct to the best of his knowledge and belief.

Date

Signature of the applicant/

Thumb impression of the applicant

ANNEXURE

1. Name in full of applicant with full address.
2. Basis of claim: [Death / Superannuation / Retirement / Resignation / Disablement of employee].
3. Name and address in full of the employee.
4. Marital status of the employee (unmarried/married/widow/widower)
5. Name and address in full of the employer.
6. Department /Branch/Section where the employee was employed [if known].
7. Post held by the employee with Ticket or Serial no. if any [if known]
8. Date of appointment of the employee [if known]

9. Date and cause of termination of service of the employee. [Superannuation / retirement / resignation / disablement/death.]
10. Total period of service by the employee.
11. Wages last drawn by the employee.
12. If the employee is dead, date and cause thereof.
13. Evidence/witness in support of death of the employee.
14. If a nominee, No. and date of recording of nomination with the employer.
15. Evidence/witness in support of being a legal heir, if a legal heir.
16. Total gratuity payable to the employee [if known].
17. Percentage of gratuity payable to the applicant as a nominee/legal heir.
18. Amount of gratuity claimed by the applicant.

Place

Date

Signature of the applicant/Thumb
impression of the applicant

FORM-VIII

(Notice Book of the Accidents)

(See rule 35)

Name of the Establishment.....

Nature of Business

Date of opening.....

Registration no. (if any)-.....

Name of the employer/occupier.....

Date of accidents	Short detail of Accident	Name of the injured person	Whether accident result in death	Whether accident result in total disablement	Whether accident result in partial disablement	Whether accident result in Temporary disablement	Amount of Compensation paid to employee or his dependent	Amount of Compensation deposited to Competent Authority	Date of payment or deposit of Compensation
1	2	3	4	5	6	7	8	9	10

FORM-IX

(See Rule 37)

Statement of Fatal Accidents

To ,

Competent Authority,

.....

Sir,

1. I have the honour to submit the following statement of an accident which occurred in (date), at (here enter details of premises) and which resulted in the death of the employee/employees of whom particulars are given in the statement annexed.
2. The circumstances relating to the death of the employee/employees were as under: -
 - (a) Time of accident.
 - (b) Place where the accident occurred.
 - (c) Manner in which deceased was/were employed at the time.
 - (d) Cause of the accident.
 - (e) Any other relevant particulars.
3. I am responsible for payment of compensation
4. Details of employee
 - (a) Name of the employee
 - (b) Age of the employee
 - (c) Wages of the employee
5. The establishment is not responsible for payment of compensation due to reasons mentioned below.....
.....
.....

(Signature and designation
of person making the
statement)

FORM-X

(See Rule 38)

Memorandum of Agreement

It is hereby submitted that on the day of 20..... personal injury was caused to residing at by accident arising out of and in the course of his employment in The said injury has resulted in permanent disablement to the said workman of the following nature, namely:-

The said employee's monthly wages are estimated at Rs. The employee is over the age of 15 years will reach the age of 15 years on

The said employee has, prior to the date of the agreement, received the following payments, namely: --

Rs. on Rs. on
 Rs. on Rs. on
 Rs. on Rs. on

It is further submitted that the employer of the said employee has agreed to pay, and the said employee has agreed to accept, the sum of Rs. in full settlement of all and every claim under the Code on Social Security, 2020 in receipt of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated20..... .

Signature of employer

Witness

Witness

Signature of employee

Note- Application to register an agreement can be presented under signature of one party: provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs..... Dated20.... .

Employee

The money has been paid and this receipt signed in my presence.

Witness

Note- This form may be varied to suit special cases, e.g. injury by occupational disease, agreement when employee is under legal disability, etc.

FORM-X-A

(See rule 48)

Memorandum of Agreement

It is hereby submitted that on the day of 20 personal injury was caused to residing at by accident arising out of said in the course of employment in The said injury has resulted in temporary disablement to the said employee, who is at present in receipt of wages amounting to Rs. per month/no wages.

The said employee's monthly wages prior to the accident are estimated at Rs. The employee is subject to a legal disability by reason of.

It is further submitted that the employer of the employee has agreed to pay and on behalf of the said employee has agreed to accept half-monthly payments at the rate of Rs. for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with provisions of the said Act on account of an alteration in the earnings of the said employee during disablement. It is further stipulated that all rights of commutation under section 7 of the said Act are unaffected by this agreement it is therefore requested that this memorandum be duly recorded.

Dated 20.... .

Signature of employer

Witness

Signature of employee

Witness

Note- An application to register and agreement can be presented under the signature of one party : provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.

Employee

Dated20....

The money has been paid and this receipt signed in my presence.

Note- This form may be varied to suit special cases, *e.g.*, injury by occupational disease, *etc.*

FORM-X-B

(See rule 38)

Memorandum of Agreement

It is hereby submitted that on the day of 20..... personal injury was caused to residing at by accident arising out of and in the course of his employment in The said injury has resulted in death to the said workman.

The said employee's monthly wages are estimated at Rs. The employee is over the age of 15 years will reach the age of 15 years on

The said employee has, prior to the date of the agreement, received the following payments, namely: --

Rs. on Rs. on

Rs. on Rs. on

Rs. on Rs. on

It is further submitted that the employer of the said employee has agreed to pay, and dependent (s) of the said employee has agreed to accept, the sum of Rs. in full settlement of all and every claim under the Code on Social Security, 2020 in receipt of death stated above. It is therefore requested that this memorandum be duly recorded.

Dated20..... .

Signature of employer

Witness

Witness

Signature or dependant(s)

Note- Application to register an agreement can be presented under signature of one party: provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs.....

Dated20..... .

Dependant(s)

The money has been paid and this receipt signed in my presence.

Witness

FORM-XI

[See rule 39(1)]

Whereas an agreement to pay compensation is said to have been reached between and and whereas has/have applied for registration of the agreement under section 28 of the Code of Social Security, 2020 notice is hereby given that said agreement will be taken into consideration on 20 and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections it is my intention to proceed to the registration of the agreement.

Dated20

Competent Authority

FORM-XII

(See rule 40)

Register of Agreement for year 20.....

S.No.	Date of agreement	Date of registration	Employer	Employee	Initial of Competent Authority	Reference to orders rectifying the register

FORM-XIII

[See rule 54(1)]

NOTICE FOR UNDER SUB-SECTION (1) OF SECTION 56 FOR COMPOSITION OF OFFENCE

To,

.....,

- (1) Your establishment has been inspected by Inspector-cum-Facilitator on of of 20.....
- (2) In the said inspection you have been found violating section of the Code.
- (3) As per provisions of sub-section (1) of section 56 *read* with sub-rule (1) of rule 38, you are hereby given notice to the effect that if you are willing to apply for composition of offence, you may apply for composition by submitting the application in Form VI-A along with deposit of Rupees through Treasury Challan or electronically on the departmental portal of Labour Commissioner. The details of which are given below.-

(i) Treasury Head

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Or

(ii) Flow chart of electronic payment:-

.....

(Signature)

Name and designation
 of the Officer.....

FORM-XIV

[See rule 54(2)]

APPLICATION UNDER SUB-SECTION (1) OF SECTION 56 FOR COMPOSITION OF OFFENCE

To,

.....
.....
.....

Kindly refer to your notice no. dated I/we hereby applying for composition of Offence and I have deposited Rs..... as the amount of Composition by depositing through Treasury Challan or electronically through the portal of Labour Commissioner on/...../..... (dd/mm/year).

So please accept my application and close the proceeding under the Code.

Dated:

Enclosure: The Treasury Challan/Payment receipt of electronic Payment.

(Signature)

Name of the Applicant

(1) Name of the establishment:.....

(2) Address of Establishment :.....

FORM-XV

[See Rule 56(3)(b)]

Form for Reporting Vacancies to Career Centres

(Separate forms to be used for each type of posts)

1	Particulars of the employer: Name: Address with pin code: Telephone no. : Mobile no.: Emailaddress : Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc.) Registration no. of establishment under code: Economic activity details:			
2.	Particulars of the indenting Officer: Name: Designation: Telephone no. : Mobile no.: Email address :			
3.	Particulars of vacancy (ies): (c) Designation/nomenclature of the vacancy (ies) to be filled (d) Description of duties of the post (job role/ functional role)			
	(c) Qualifications/Skills required (educational, technical, experience)	Essential	Desirable/Preferable	
	(i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience			
	(d) Age Limits, if any (Age as on last date of application)			
	(e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc.) if any			
	(f) Duration of employment	Number of posts		
	(i) 3-6 months (ii) 6-12 months (iii) 12 months and more			
4.	Whether there is any obligation for arrangement for giving reservation/ preference to any category of persons such as Scheduled Caste(SC), Scheduled Tribe(ST), Economically Weaker Sections(EWS), Other Backward Classes(OBC), Ex-Serviceman and persons with disabilities (pwd) , etc., in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)			

5.	Category	Number of vacancies to be filled	
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) Women (h) Others(specify)	Total	*By Priority candidates *(Applicable for Government Central vacancies)
6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any for others: Mention minimum total emoluments per month with other details, if any.		
7.	Place of work (Name of the town/village and district, pin code ,etc. in which it issituated)		
8.	Mode of Application(email, online, in writing, etc.) and Last date for receipt of applications.		
9.	Particulars of officer to whom the applications be sent/candidates should approach (Mention Name, designation, email id, address , telephone no., website address in case of online)		
10.	Mode of Recruitment [Through Career Centre, Placement Agency , self- management, any other mode(specify)]		
11.	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No	
12.	Any other relevant information		
13.	Name, address, email id of the Career Centre		
14.	Date of receipt of Vacancies		
15.	NIC Code of the establishment		
16.	NCO Code of the post		
17.	Unique Vacancy ID(number)		

Signature, Name & Designation of
Authorised Signatory of Career Centre
with seal & date.

NOTE:

1. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than 3 working days from the date of receipt of reporting of vacancies.
2. An employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode, may invariably quote that unique vacancy reporting number in that advertisement or recruitment process.
3. Any change in the particulars already furnished to the Career Centre, shall be reported in writing or through valid official email or digitally(including through a portal) as the case may be, to the appropriate Career Centre.

FORM-XVI

[See Rule 56(6)]

Form EIR (Employment Information Return)**Yearly Return to be submitted to the Career Centre (Regional) for the year ended.....**

The following information is required to be submitted under the Code on Social Security (Chapter XIII – Employment Information & Monitoring) 2020.

Name & Address of the Employer				
Whether – Head Office				
Branch Office				
Type of Establishment (Public /Private Sector)				
Nature of business/Principal activity				
Establishment Registration no. under the Code				
1. (a) EMPLOYMENT				
Total number of <i>manpower of establishment</i> including working <i>proprietors/partners//contingent</i> paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is <i>paid</i>).				
Category	On the last working day of the previous year	On the last working day of the year under report		
MEN WOMEN Other (Transgender) TOTAL : PWD (persons with disabilities) out of above total				
2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year				
Occurred	Reported		Filled	Source(Career Centre / NCS Portal/ Govt. Recruiting agencies/ Private Placement Organisations /Others)
	Career Centre (Regional)	Career Centre (Central)		
1	2	3	4	5

*As per provisions of Code on Social Security, 2020(Chapter XIII) and Rules made there under.

3. MANPOWER SHORTAGES:

Vacancies/posts remained unfilled because of shortage of suitable applicants.

\

Name of the occupation or designation of the post	Number of unfilled vacancies/posts		
	Skill/ qualifications (educational / technical/ experience) prescribed	Essential	Desirable
1	2	3	4

(Please list any other occupations also for which this establishment had any difficulty in obtaining suitable applicants recently.)

4. Estimated Manpower Requirement by Occupational Classification during the next calendar year
(Please give below the number of employees in each occupation separately).

Occupation	Number of employees				
	Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/ expansion ore-organisation.				
Description	Men	Women	Others (trans-gender)	Total	PWD (persons with disabilities) out of total
1	2	3	4	5	6
*					
Total :					

* In the column (description) -Use exact terms such as Engineer (Mechanical), Assistant Director (Metallurgist); Research Officer (Economist), Supervisor (Tailoring), Inspector (Sanitary), Superintendent (Office), Manager (Sales), Manager (Accounts), Executive (Marketing), Data Entry Operator soon.

Signature, Name & Designation of
Authorised Signatory of establishment/
employer with seal & date

To

The Career Centre,

.....

Note:- 1. This return is to be rendered to the Career Centre (Regional) within 30 days after the end of the *financial year* concerned by establishments/employers *vide* their obligation under the Code on Social Security, 2020 (Chapter XIII-Employment Information and Monitoring).

2. The main purpose in obtaining the information from employers is to know (i) the vacancies/employment opportunities available; (ii) type of personnel who are in short supply; and (iii) future job opportunities for providing vocational guidance to the jobseekers and connecting them with the employers. This is helpful in ascertaining the skill needs also. Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirements.

FORM-XVII

[See Rule 57 (C)]

Register of Leave with Wages

Serial No.

Name of the Employee

Department

Father's Name

Serial no. in the register of Employee

Date and amount of payment made in lieu
of leave due

Date of entry into service

Name of Establishment.....

No. of days worked during the calendar year										Leave to Credit							
Calendar year of Service	Wages paid fromto.....	Wages earned during the wage period	No. of days performed	No. of days of lay-off	No. of days of maternity leave	No. of leave enjoyed	Total of Columns 4 to 7	Balance of leave from proceeding year	Leave earned during the year mentioned in Column I	Total of Columns 9 and 10	Whether leave in accordance with scheme under Code refused	Leave enjoyed from to.....	Balance of leave to credit	Normal rate of wages	Cash equivalent of advantage accruing through concessional sale of food grains and other particulars	Rate of wages for the leave period (Total of column 15 and 16)	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Note -Separate page will be allotted to each worker.																	

पी०एस०यू०पी०-ए०पी० 765 राजपत्र-2021-(1622)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।

पी०एस०यू०पी०-ए०पी० 9 सा० श्रम-(1623)-300 प्रतियां-(कम्प्यूटर/टी/आफसेट)।